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Rules and Regulations

Federal Register

Vol. 49, No. 145

Thursday, July 26, 1984

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

FEDERAL LABOR RELATIONS AUTHORITY

5 CFR Ch. XIV

Regional Office; Telephone Change

AGENCY: Federal Labor Relations Authority (including the General Counsel of the Federal Labor Relations Authority) and Federal Service Impasses Panel.

ACTION: Amendment of rules and regulations.

SUMMARY: This document amends Appendix A, paragraph (d)(7) (47 FR 3343) of the rules and regulations of the Federal Labor Relations Authority (Authority), General Counsel of the Federal Labor Relations Authority (General Counsel), and Federal Service Impasses Panel (Panel), published at 5 CFR Part 2400 *et seq.*, (1984) to establish new telephone numbers for the Authority's Denver, Colorado Regional Office. The Denver Regional Office location and mailing address have not been changed.

EFFECTIVE DATE: June 1, 1984.

FOR FURTHER INFORMATION CONTACT: Laurence M. Evans, Assistant General Counsel (202) 382-0811.

SUPPLEMENTARY INFORMATION: Effective January 28, 1980, the Authority, General Counsel and Panel published at 45 FR 3482, January 17, 1980, final rules and regulations to govern the processing of cases by the Authority, General Counsel and Panel under Chapter 71 of Title 5 of the United States Code (5 CFR Part 2400 *et seq.* (1984)). These rules and regulations are required by Title VII of the Civil Service Reform Act of 1978 and are set forth in 5 CFR Part 2400 *et seq.*

(1984). Appendix A, paragraph (d) of the foregoing rules and regulations sets forth office addresses and telephone numbers of the Regional Directors of the Authority. This amendment sets forth the changed telephone numbers of the Denver, Colorado Regional Office of the Authority. The Denver Regional Office location and mailing address have not been changed. Accordingly, in Appendix A to Chapter XIV, paragraph (d)(7) of the Authority, General Counsel, and Panel rules and regulations (5 CFR Part 2400 *et seq.* (1984)) is amended to read as follows:

Appendix A to 5 CFR Ch. XIV—Current Addresses and Geographic Jurisdictions

(d) The Office addresses of Regional Directors of the Authority are as follows:

(7) *Denver Regional Office*—1531 Stout Street, Suite 301, Denver, Colorado 80202, Telephone: FTS—564-5224, Commercial—(303) 844-5224.

(5 U.S.C. 7134)

Dated: July 2, 1984.

John C. Miller,

General Counsel, Federal Labor Relations Authority.

[FR Doc. 84-19704 Filed 7-25-84; 8:45 am]

BILLING CODE 6727-01-M

5 CFR Ch. XIV

Regional Office; Address Change

AGENCY: Federal Labor Relations Authority (including the General Counsel of the Federal Labor Relations Authority) and Federal Service Impasses Panel.

ACTION: Amendment of rules and regulations.

SUMMARY: This document amends Appendix A, paragraph (d)(2) (47 FR 22935) of the rules and regulations of the Federal Labor Relations Authority (Authority), General Counsel of the Federal Labor Relations Authority (General Counsel), and Federal Service Impasses Panel (Panel), published at 5 CFR Part 2400 *et seq.* (1984), to establish a new room number and mailing

address for the Authority's New York Regional Office. The New York Regional Office street location and telephone numbers have not been changed.

EFFECTIVE DATE: June 1, 1984.

FOR FURTHER INFORMATION CONTACT: Laurence M. Evans, Assistant General Counsel (202) 382-0811.

SUPPLEMENTARY INFORMATION: Effective January 28, 1980, the Authority, General Counsel and Panel published at 45 FR 3482, January 17, 1980, final rules and regulations to govern the processing of cases by the Authority, General Counsel and Panel under Chapter 71 of Title 5 of the United States Code (5 CFR Part 2400 *et seq.* (1984)). These rules and regulations are required by Title VII of the Civil Service Reform Act of 1978 and are set forth in 5 CFR Part 2400 *et seq.* (1984). Appendix A, paragraph (d) of the foregoing rules and regulations sets forth office addresses and telephone numbers of the Regional Directors of the Authority. This amendment sets forth the new room number and mailing address of the New York Regional Office of the Authority. The New York Regional Office street location and telephone numbers have not been changed. Accordingly, in Appendix A to Chapter XIV, paragraph (d)(2) of the Authority, General Counsel, and Panel rules and regulations (5 CFR Part 2400 *et seq.* (1984)) is amended to read as follows:

Appendix A to 5 CFR Ch. XIV—Current Addresses and Geographic Jurisdictions

(d) The Office addresses of Regional Directors of the Authority are as follows:

(2) *New York Regional Office*—26 Federal Plaza, Room 2237, New York, New York 10278, telephone: FTS—264-4934, Commercial—(212) 264-4934.

(5 U.S.C. 7134)

Dated: July 2, 1984.

John C. Miller,

General Counsel, Federal Labor Relations Authority.

[FR Doc. 84-19705 Filed 7-25-84; 8:45 am]

BILLING CODE 6727-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 916 and 917

[Nectarine Regulation 14, Amdt. 5; Peach Regulation 14, Amdt. 5; Plum Regulation 19, Amdt. 5]

Nectarines, Pears, Plums, and Peaches Grown in California; Amendment of Size and Grade Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule and finalization of interim rule.

SUMMARY: The Department of Agriculture (USDA) issued an interim rule on May 24, 1984, to amend current nectarine, peach, and plum size requirements and plum grade requirements issued under Marketing Orders 916 and 917. The rule was published in the *Federal Register* (49 FR 22461, May 30, 1984) and became effective on May 30, 1984. The interim rule established a minimum size requirement for six varieties of nectarines, eight varieties of peaches, and four varieties of plums. It also removed the size requirements for two varieties of nectarines, five varieties of peaches, and three varieties of plums. In addition, two plum varieties were added to the list of those for which certain healed cracks are permitted under specified circumstances. The rule provided for public comment through June 29, 1984. No comments were received during the 30 days provided. Therefore, the regulation is continued in effect as previously issued with one minor editorial change. In the introductory text of § 917.460(c), the phrase "On or after August 17, 1982," is deleted to bring that paragraph into conformance with the amendment.

EFFECTIVE DATE: August 27, 1984.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202-447-5975.

SUPPLEMENTARY INFORMATION: This action has been reviewed under Secretary's Memorandum 1512-1 and Executive Order 12291 and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities.

Finalization of the interim rule is issued under the marketing agreements, as amended, and Order Nos. 916 and 917, as amended (7 CFR Parts 916 and 917), regulating the handling of nectarines, pears, and plums and

peaches grown in California. The agreements and orders are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). It is hereby found that this action will tend to effectuate the declared policy of the Act.

In enacting the interim rule (49 FR 22461, May 30, 1984), the Department neglected to make a conforming change to eliminate an obsolete phrase in the introductory text of § 917.460(c). Therefore, that section is further amended to correct this deficiency. It is found that notice and further public rulemaking procedures with regard to this amendment are impractical and contrary to the public interest since it is merely an editorial change with no substantive effect.

List of Subjects

7 CFR Part 916

Marketing agreements and orders, Nectarines, California.

7 CFR Part 917

Marketing agreements and orders, Peaches, Pears, Plums, California.

PART 917—[AMENDED]

Therefore, the interim rule published at 49 FR 22461, May 30, 1984 is made final and that portion of § 917.460(c) which precedes Table I is revised to read:

§ 917.460 Plum Regulation 19.

* * * * *

(c) No handler shall ship any package or other container of any variety of plums listed in Column A of the following Table I unless such plums are of a size that an eight-pound sample, representative of the sizes of the plums in the package or container, contains not more than the number of plums listed for the variety in Column B of said table.

* * * * *

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: July 20, 1984.

William J. Doyle,

Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 84-19722 Filed 7-25-84; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 930

Cherries Grown in Michigan, New York, Wisconsin, Pennsylvania, Ohio, Virginia, West Virginia, and Maryland; Handler Compensation for Processing and Storage Costs

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the

rate of charges for receiving, processing, storing and other costs related to reserve pool cherries for the current season.

EFFECTIVE DATE: July 26, 1984.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Chief, Fruit Branch, F&V, AMS, USDA, Washington, DC 20250, telephone (202) 447-5975.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Executive Order 12291, and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities.

This final rule is issued under Marketing Order No. 930, which regulates the handling of cherries grown in eight designated states. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). This action is based upon the recommendation and information submitted by the Cherry Administrative Board, and other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

Under the marketing order, whenever the Secretary fixes free and restricted percentages for a fiscal period, each handler must set aside for the reserve pool a portion of the cherries acquired by such handler. Reserve pool cherries must be set aside by handlers in 30-pound-capacity containers in the form commonly referred to in the cherry industry as "5 plus 1 frozen cherries" (five pounds of raw pitted cherries combined with one pound of sugar) and must be stored thereafter in a suitable freezer storage facility. Since the equity in the cherries remains with the producer, the producer must pay the handler for these services—i.e., receiving, processing, necessary materials, storing, and other related costs. As a general rule, these costs are deducted by the handler from any monies due producers for deliveries of free percentage cherries. The Cherry Administrative Board solicited data from handlers relative to their estimated costs and unanimously recommended the compensation rates hereinafter set forth based on that data.

Cherry growers and handlers need to be aware of the rates of payment for services on reserve pool cherries prior to harvesting and processing this year's crop. Such harvesting and processing is expected to start in mid-July. Furthermore, compliance with this regulation requires no advance preparation on the part of cherry handlers.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the *Federal Register* (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared purposes of the act to make this regulatory provision effective as specified, and handlers have been apprised of such provision and the effective time.

List of Subjects in 7 CFR Part 930

Marketing agreements and orders, Cherries.

Therefore, a new § 930.310 is added to Subpart—Rules and Regulations, as follows (§ 930.310 is effective through April 30, 1985, and will not be published in the annual Code of Federal Regulations):

§ 930.310 Handler compensation rate.

During the fiscal period ending April 30, 1985, each handler shall be compensated by producers (or their successors in interest) having an interest in the reserve pool as follows:

(a) At the rate of \$0.22 (22 cents) per pound of reserve pool cherries received as raw unpitted cherries, and processed into the form of 5 plus 1 frozen cherries (five pounds of raw pitted cherries combined with one pound of sugar) packed in containers as specified in § 930.104(a) of this subpart, and for storage in a suitable freezer storage facility for 30 days from the date such cherries are placed in such storage facility; and

(b) At the rate of \$0.045 (4.5 cents) per pound of reserve pool cherries as specified in § 930.310(a) of this subpart, for storage thereafter in a suitable freezer storage facility.

(Secs. 1-19, 48 Stat. 31, as amended (7 U.S.C. 601-674))

Dated: July 20, 1984.

William J. Doyle,
Acting Deputy Director, Fruit and Vegetable
Division, Agricultural Marketing Service.

[FR Doc. 84-19721 Filed 7-25-84; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 100

Statement of Organization; Field Service Realignment

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This final rule reflects the Service's continuing effort to improve public service and enforcement capability by the additions of a Border Patrol station and substation and the redesignation of a former station to a substation in the Eastern Region.

EFFECTIVE DATE: July 26, 1984.

FOR FURTHER INFORMATION CONTACT:

For General Information: Loretta J. Shogren, Director, Policy Directives and Instructions, Immigration and Naturalization Service, 425 I Street, NW., Washington, D.C. 20536, Telephone: (202) 633-3048
For Specific Information: William L. Bonnette, Jr., Deputy Chief, Border Patrol, Immigration and Naturalization Service, 425 I Street, NW., Washington, D.C. 20536, Telephone: (202) 633-3692

SUPPLEMENTARY INFORMATION: To enhance the principles of good management and provide better service to the public in the Eastern Region, the Service has added a Border Patrol station and substation and redesignated a former station as a substation. A new substation in Rangeley, Maine under the jurisdiction of the Jackman, Maine Border Patrol station has been added in Sector 1. In Sector 2, the Richford, Vermont station has been redesignated a substation under the jurisdiction of Swanton, Vermont. In Sector 4, a new Border Patrol station has been opened in Fulton, New York under the jurisdiction of Buffalo, N.Y.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary because this rule relates to agency management.

In accordance with 5 U.S.C. 605(b), the Commissioner of Immigration and Naturalization certifies that this rule, if promulgated, will not have a significant impact on a substantial number of small entities.

This order is not a rule within the definition of section 1(a) of E.O. 12291 as it relates solely to agency management.

List of Subjects in 8 CFR Part 100

Administrative practice and procedure, Authority delegations, Organization and functions (government agencies).

Accordingly, Chapter I of Title 8 of the Code of Federal Regulations is amended as follows:

PART 100—STATEMENT OF ORGANIZATION

1. In § 100.4, paragraph (d) is revised as follows:

§ 100.4 Field Service.

* * * * *

(d) * * *

Sector No. 1—Houlton, Maine

Calais, Maine
For Fairfield, Maine
Houlton, Maine
Jackman, Maine (Rangeley, Maine)
Van Buren, Maine

Sector No. 2—Swanton, VT

Beecher Falls, Vt.
Derby Line, Vt.
Swanton, Vt. (Richford, Vt.)
Ogdensburg, N.Y.
Malone, N.Y.
Massena, N.Y.
Rouses Point, N.Y.

Sector No. 3—[Reserved]

Sector No. 4—Buffalo, NY

Buffalo, N.Y.
Fulton, N.Y.
Niagara Falls, N.Y.
Watertown, N.Y.

* * * * *

(Section 103 of the Immigration and Nationality Act, as amended; (8 U.S.C. 1103))

Dated: July 20, 1984.

Raymond M. Kisor,

Associate Commissioner, Enforcement,
Immigration and Naturalization Service.

[FR Doc. 84-19736 Filed 7-25-84; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 83-AWP-9]

Designation of Transition Area, Show Low, AZ

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to final rule.

SUMMARY: This action corrects Federal Register Document 84-16150 that was

published in the **Federal Register** on June 18, 1984 (49 FR 24880). A reciprocal bearing referenced in the description of the airspace action was printed in error instead of the correct bearing.

EFFECTIVE DATE: August 30, 1984.

FOR FURTHER INFORMATION CONTACT: Thomas Huntington, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Blvd., Lawndale, California 90261, telephone (213) 536-6182.

SUPPLEMENTARY INFORMATION:

History

Federal Register Document 84-16150 was published in the **Federal Register** on June 18, 1984 (49 FR 24880), that designated 700 foot and 1,200 foot transition areas at Show Low, Arizona.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

Adoption of the Correction

Accordingly, pursuant to the authority delegated to me, **Federal Register** Document 84-16150, as published in the **Federal Register** on June 18, 1984 (49 FR 24880), is corrected as follows:

§ 71.181 [Corrected]

Show Low, Arizona [Amended]

In this section, delete the words—"Show Low NDB 337T/323M bearing" and substitute—"Show Low NDB 157T/144M bearing" in its place.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); (49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983)); and (14 CFR 11.69))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Los Angeles, California on July 16, 1984.

Richard L. Devereaux,

Acting Director, Western-Pacific Region.

[FR Doc. 84-19679 Filed 7-25-84; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

15 CFR Part 806

[Docket No. 40109-4059]

Annual Survey of U.S. Direct Investment Abroad

AGENCY: Bureau of Economic Analysis, Commerce.

ACTION: Final rule.

SUMMARY: This notice sets forth rules providing for a new survey, the BE-11 Annual Survey of U.S. Direct Investment Abroad, to be conducted by the Bureau of Economic Analysis (BEA). The rules would further implement the President's responsibilities for collecting data on U.S. direct investment abroad under the International Investment Survey Act of 1976 (Pub. L. 94-472, Stat. 2059, 22 U.S.C. 3101-3108); these responsibilities were delegated to the Secretary of Commerce, who redelegated them to BEA.

EFFECTIVE DATE: These rules become effective August 27, 1984, and the first year of coverage of the BE-11 Annual Survey of U.S. Direct Investment Abroad will be 1983. Report forms for 1983 will be mailed to respondents about August 20; potential respondents should allow a reasonable time for receipt of the forms before requesting them from BEA.

FOR FURTHER INFORMATION CONTACT: George R. Kruer, Chief, International Investment Division (BE-50), Bureau of Economic Analysis, U.S. Department of Commerce, Washington, D.C. 20230, phone (202) 523-0657.

SUPPLEMENTARY INFORMATION: A "Notice of Consideration" soliciting public comment on the proposed survey was published in the January 26, 1984, **Federal Register**, Volume 49, No. 18, (49 FR 3192). That notice contained information on the scope, content, and reporting criteria of the proposed survey.

In the March 2, 1984, **Federal Register**, Volume 49, No. 43, (49 FR 7834), BEA published a notice of its intent to change the rules and solicited comments on the proposed rule changes.

In response to these notices and to a public outreach program soliciting comments on the survey, BEA received 55 letters of comment. The letters were primarily from companies and from trade, business, or professional associations. A few letters also came from labor, international organizations, professors, and research groups. All comments were considered in revising the proposed survey forms and in

amending the proposed rules. About half the letters were opposed to the survey and about half were supportive of it or recognized the need for it but expressed concern about the burden. The major suggestions made by companies that affected the proposed rule were (1) to eliminate coverage of all affiliates with total assets, sales, or net income below \$10.0 million, and (2) to exempt all minority-owned affiliates, but particularly those owned less than 20 percent.

Based on these suggestions, BEA made two major changes to the proposed rules; the changes as they now stand also reflect modifications required by the Office of Management and Budget as conditions of clearance. Both BEA's changes, and those required by OMB, were designed to reduce reporting burden. The changes, as contained in § 806.14(f)(3) (iii) and (iv) of these final rules, are:

a. To exempt from the survey foreign affiliates that have less than \$10.0 million of assets, sales, or net income. In the initial proposal, affiliates had to be reported unless their assets, sales, or net income were less than \$3.0 million.

b. To exempt from coverage minority-owned foreign affiliates owned at least 10 percent but less than 25 percent. Other minority-owned affiliates are still required to be reported. Exempting all minority-owned affiliates would have reduced survey coverage to an unacceptably low level, particularly in countries that do not permit or severely restrict, majority ownership of domestic companies by foreigners.

The survey will collect data on selected items from BEA's comprehensive BE-10 Benchmark Survey of U.S. Direct Investment Abroad—1982. Thus, it will update and maintain the continuity of major items from that survey. However, the volume of data to be reported in the annual survey will be substantially reduced from that required to be reported in the benchmark survey. Because the BE-11 survey will be largely an abbreviated version of the benchmark survey, the BE-11 survey will not be conducted for a year for which that survey is conducted.

The BE-11 survey should, to a significant degree, satisfy most of the needs of governmental agencies and of the general public, including those interested in the services industries, for current data on the operations of U.S. parent companies and their foreign affiliates.

The rule amends 15 CFR Part 806 to provide for mandatory reporting in the BE-11 survey.

A report, consisting of a Form BE-11A, Form(s) BE-11B and a Form BE-11C will be required each year of all nonbank U.S. Reporters (as defined in 15 CFR Part 806.14(a)(2)) who, at the end of their fiscal year covered by the report, had one or more nonbank foreign affiliates required to be reported on Form BE-11B or on Form BE-11C as detailed in the rules.

Reports for 1983 will be due no later than October 31, 1984. The due date for subsequent years will be given on the form for each year, but in any event, at least 60 days will be allowed from the date the blank forms are mailed to the due date for the completed reports.

The legal authorities, provisions, definitions, and requirements presently contained in 15 CFR Part 806 that pertain to U.S. direct investment abroad will be applicable to the BE-11 survey.

The Bureau of Economic Analysis has determined that this proposal is not major under Executive Order 12291.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to preparation of a regulatory flexibility analysis are not applicable to these rule changes because they will not have significant economic impact on a substantial number of small entities. The \$10 million overall exemption level for foreign affiliates will eliminate reporting for most small businesses.

Accordingly, the General Counsel, Department of Commerce, has certified under provisions of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that these rule changes will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

The collection of information requirements in the subject rule have been approved by OMB (OMB No. 0608-0053).

List of Subjects in 15 CFR Part 806

Economic statistics, U.S. investment abroad, Penalties, Reporting and recordkeeping requirements.

(5 U.S.C. 301, 22 U.S.C. 3101-3108, and Executive Order 11961)

Part 806, is therefore amended as set forth below.

July 23, 1984.

George Jaszi,
Director, Bureau of Economic Analysis.

15 CFR Part 806 is amended as follows:

In § 806.14 paragraph (f)(3) is added to read as follows:

§ 806.14 U.S. direct investment abroad.

* * * * *

(f) * * *

(3) BE-11—Annual Survey of U.S. Direct Investment Abroad: A report, consisting of Forms BE-11A, BE-11B, and BE-11C, is required of each nonbank U.S. Reporter who, at the end of the Reporter's fiscal year, had a nonbank foreign affiliate reportable on Form BE-11B or BE-11C. Forms required and the criteria for reporting on each are as follows:

(i) A Form BE-11A (Report for U.S. Reporter) must be filed by each nonbank U.S. person having a foreign affiliate reportable on Form BE-11B or BE-11C.

(ii) A Form BE-11B (Report for Majority-owned Foreign Affiliate) is required to be filed for each majority-owned nonbank foreign affiliate for which any one of the exemption level items exceeds \$10,000,000.

(iii) A Form BE-11C (Report for Minority-owned Foreign Affiliates) must be filed to report selected items for each minority-owned nonbank foreign affiliate owned at least 25 percent, directly or indirectly by the U.S. Reporter but not more than 50 percent by all U.S. Reporters of the affiliate combined and for which any one of the exemption level items exceeds \$10,000,000.

(iv) Based on the preceding, an affiliate is exempt from being reported if it meets any one of the following criteria:

(A) None of its exemption level items is above \$10.0 million.

(B) It is less than 25 percent owned, directly or indirectly, by the U.S. person.

(C) Its U.S. parent (U.S. Reporter) is a bank.

(D) It is itself a bank.

[FR Doc. 84-19833 Filed 7-25-84; 8:45 am]

BILLING CODE 3510-06-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. C-3137]

Texaco Inc. and Getty Oil Company; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of a complaint alleging violations of Section 7 of the Clayton Act and Section 5 of the Federal Trade Commission Act, this final consent order, among other things, modifies the list of Getty assets contained in Schedule A that Texaco Inc. is required to divest within 12

months to a Commission-approved buyer(s). Should any of the assets not be timely divested, a trustee appointed by the court or the Commission will have 18 months in which to effect divestiture of the remaining assets. Further, for a period of ten years, Texaco is required to vote its shares in favor of any proposal to increase the capacity or enhance the ability of the Colonial Pipeline Company to transport refined product north of Dorsey Junction, Maryland. Texaco is also required to sell crude oil of similar grade and quality to most West Coast buyers who were customers of Getty in 1983, for a period of five years, and offer access to Getty's pipeline from Santa Fe Springs to Los Angeles to any Getty customer using the pipeline in 1983, for a period of ten years. Additionally, Texaco is prohibited from acquiring, without prior Commission approval, any interest in any concern engaged in (1) refining or wholesale distribution of gasoline or middle distillate in 12 eastern states and the District of Columbia, and (2) any petroleum product pipeline transportation in or into Colorado.

DATE: Complaint and Order issued July 10, 1984.*

FOR FURTHER INFORMATION CONTACT: FTC/CS-4, Marc G. Schildkraut, Washington, D.C. 20580, (202) 724-1424.

SUPPLEMENTARY INFORMATION: On Wednesday, March 7, 1984, there was published in the *Federal Register*, 49 FR 8550, a proposed consent agreement with analysis in the Matter of Texaco Inc., a corporation, and Getty Oil Company, a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

Comments were filed and considered by the Commission. The Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its modified order to cease and desist, as set forth below in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Acquiring Corporate Stock or Assets: § 13.5 Acquiring corporate stock or assets; § 13.5-20 Federal Trade Commission Act. Subpart—Corrective Actions And/Or Requirements: § 13.533 Corrective actions and/or requirements; § 13.533-45 Maintain records; § 13.533-

* Copies of the Complaint filed with the original document.

51 Making supply of products available to competitors.

List of Subjects in 16 CFR Part 13

Gasoline, Mergers, Petroleum products, Trade practices.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18)

Commissioners: James C. Miller III, Chairman, Michael Pertschuk, Patricia P. Bailey, George W. Douglas, Terry Calvani. In the Matter of Texaco Inc. a corporation, and Getty Oil Company a corporation: Decision and Order Docket No. C-3137.

The FTC having initiated an investigation of the proposed acquisition of shares of Getty Oil Company ("Getty") by Texaco Inc. ("Texaco"), and Texaco having been furnished with a copy of a draft complaint that the Bureau of Competition has presented to the Commission for its consideration, and which, if issued by the Commission would charge Texaco and Getty with violations of the Clayton Act and Federal Trade Commission Act; and

Respondent Texaco, its attorneys, and counsel for the Commission having thereafter executed an agreement containing a consent order, an admission by respondent Texaco of all the jurisdictional facts set forth in the aforesaid draft of complaint, a statement that the signing of said agreement is for settlement purpose only and does not constitute an admission by respondents that the law has been violated as alleged in such complaint, and waivers and other provisions as required by the Commission's Rules; and

The Commission having considered the matter and having thereupon accepted the executed consent agreement and placed such agreement on the public record for a period of sixty (60) days, and having duly considered the comments filed thereafter by interested persons pursuant to Section 2.34 of its Rules and the recommendation of its staff, and having concluded that the consent agreement should be modified along the lines suggested by staff, with changes; and

Respondent Texaco and complaint counsel having thereafter executed and submitted a revised agreement containing consent order dated July 9, 1984, containing modifications agreed to by the Commission; and

The executed agreement dated July 9, 1984, as modified, containing the following consent order, an admission by respondent Texaco of all the jurisdictional facts set forth in the complaint, a statement that the signing of said agreement is for settlement purposes only and does not constitute an admission by respondents that the

law has been violated as alleged in the complaint, and waivers as required by the Commission's Rules;

Now in further conformity with the procedure prescribed in Section 2.34 of its Rules, the Commission hereby makes the following jurisdictional findings and enters the following order:

1. Respondent Texaco Inc. is a corporation organized, existing and doing business under and by the virtue of the laws of Delaware with its executive office located at 2000 Westchester Avenue, White Plains, New York.

2. Respondent Getty Oil Company, a wholly owned subsidiary of Texaco, is a corporation organized and doing business under and by virtue of the laws of Delaware, with its executive office at 3810 Wilshire Boulevard, Los Angeles, California.

3. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the respondents, and the proceeding is in the public interest.

Order

I

As used in this Order the following definitions shall apply:

(a) The "Acquisition" means Texaco's acquisition of the common stock of Getty.

(b) "Schedule A Properties" means the assets and businesses listed in Schedule A of this Order.

(c) "Getty" means Getty Oil Company, as it was constituted prior to the acquisition, including its parents, predecessors, subsidiaries, divisions, groups, affiliate entities, and their directors, officers, employees, agents and representatives, and their successors and assigns.

(d) "Texaco" means Texaco Inc., its predecessors, subsidiaries, divisions, groups, affiliate entities, and their directors, officers, employees, agents and representatives, and their successors and assigns.

II

It is ordered that:

(A) Within 12 months of the date of service of this order, Texaco shall divest, absolutely and in good faith, the Schedule A properties.

(B) Divestiture of the Schedule A properties shall be made only to an acquirer or acquirers, and only in a manner, that receive the prior approval of the Federal Trade Commission. The purpose of the divestiture of the Schedule A properties is to ensure the continuation of the assets as ongoing, viable enterprise, engaged in the same business in which the properties are

presently employed and to remedy the lessening of competition resulting from the Acquisition as alleged in the Commission's complaint.

(C) If Texaco has not divested the Schedule A properties within the 12-month period, Texaco shall consent to the appointment of a trustee in any action that the Federal Trade Commission may bring pursuant to Section 5(1) of the Federal Trade Commission Act, 15 U.S.C. 45(1), or any other statute enforced by the Commission. In the event the court declines to appoint a trustee, Texaco shall consent to the appointment of a trustee by the Commission pursuant to this order. The appointment of a trustee shall not preclude the Commission from seeking civil penalties and other relief available to it for any failure by Texaco to comply with paragraph II (C) through IX of this order.

(D) If a trustee is appointed by a court or the Commission pursuant to Paragraph II(C) of this Order, Texaco shall consent to the following terms and conditions regarding the trustee's duties and responsibilities:

1. The Commission shall select the trustee, subject to Texaco's consent, which shall not be unreasonably withheld. The trustee shall be a person with experience and expertise in acquisitions and divestitures.

2. The trustee shall have the power and authority to divest any Schedule A properties that have not been divested by Texaco within the time period for divestiture in paragraph II(A). The trustee shall have 18 months from the date of appointment to accomplish the divestiture, which shall be subject to the prior approval of the Commission and if the trustee was appointed by a court, subject also to the prior approval of the court. If, however, at the end of the 18-month period the trustee has submitted a plan of divestiture or believes that divestiture can be achieved within a reasonable time, the divestiture period may be extended by the Commission or by the court, if the trustee was appointed by a court.

3. The trustee shall have full and complete access to the personnel, books, records and facilities of any business that the trustee has the duty to divest, and Texaco shall develop such financial or other information relevant to the assets to be divested as such trustee may reasonably request. Texaco shall cooperate with the trustee, and shall take no action to interfere with or impede the trustee's accomplishment of the divestiture.

4. The power and authority of the trustee to divest shall be at the most

favorable price and terms available consistent with the Order's absolute and unconditional obligation to divest and the purposes of the divestiture as stated in paragraph II(B).

5. The trustee shall serve at the cost and expense of Texaco on such reasonable and customary terms and conditions as the Commission or a court may set. The trustee shall account for all monies derived from the sale and all expenses incurred. After approval by the court or the Commission of the account of the trustee, including fees for his or her services, all remaining monies shall be paid to Texaco and the trustee's power shall be terminated. The trustee's compensation shall be based at least in significant part on a commission arrangement contingent on the trustee divesting the trust property.

6. Promptly upon appointment of the trustee and subject to the approval of the Commission, Texaco shall, subject to the Commission's prior approval and consistent with provisions of this order, execute a trust agreement that transfers to the trustee all rights and powers necessary to permit the trustee to cause divestiture.

7. If the trustee ceases to act or fails to act diligently, a substitute trustee shall be appointed.

8. The trustee shall report in writing to Texaco and the Commission every sixty (60) days concerning the trustee's efforts to accomplish divestiture.

(E) Texaco shall maintain the viability and marketability of the Schedule A properties and shall not cause or permit the destruction, removal or impairment of any assets or businesses to be divested except in the ordinary course of business and except for ordinary wear and tear.

(F) Until such time as the Schedule A(1) assets have been divested, Texaco shall continue to hold the Getty assets in Schedule A(1) separate and apart in a subsidiary or subdivision on the following terms and conditions:

1. Texaco shall not exercise direction or control over, or influence directly or indirectly, the day-to-day operations or personnel of the subsidiary or subdivision except as necessary to comply with this Order;

2. Except as required by law and except to the extent that necessary information is exchanged in the course of evaluating the Acquisition, defending litigation or negotiating agreements to dispose of assets, Texaco shall not have access to any material confidential information relating to the subsidiary's or subdivision's operations not in the public domain. "Material confidential information" as used herein means competitively sensitive or proprietary

information not independently known to Texaco from sources other than from the subsidiary or subdivision, and includes, but is not limited to, customer lists, price lists, price information, price zones, marketing methods, patents, technologies, processes, or other trade secrets.

(G) Until such time as the Schedule A(2) (a) or (b) assets have been divested, Texaco shall not exercise direction or control over, influence directly or indirectly, or exercise any voting rights with respect to the Wyco Pipe Line.

III

It is further ordered that, within (60) days after the date of service of this order, and every sixty (60) days thereafter until Texaco has fully complied with the provisions of Paragraph II of this order, Texaco shall submit to the Federal Trade Commission a verified written report setting forth in detail the manner and form in which it intends to comply, is complying with, or has complied with that provision. Texaco shall include in compliance reports, among other things that are required from time to time, a full description of contracts or negotiations for the divestiture of properties specified in paragraph II of this order, including the identity of all parties contacted. Texaco also shall include in its compliance reports copies of all written communications to and from such parties, and all internal memoranda, reports, and recommendations concerning divestiture.

IV

It is further ordered that, for ten (10) years following the date that this Order shall become final, Texaco shall support, vote in favor of and take no action to impede any and all proposals and actions (including placing the matter on agenda for discussion, study proposals, feasibility studies, or engineering studies) that have been made or supported by any owner of an interest in the Colonial Pipeline Company to expand, extend, or otherwise increase the capacity of the Colonial Pipeline north of Dorsey Junction, Maryland or otherwise to increase or enhance the ability of the Colonial Pipeline to transport refined product north of Dorsey Junction, Maryland.

V

It is further ordered that Texaco sell California crude oil of similar grade and quality to that sold by Getty in 1983 to each Eligible Purchaser in accordance

with the terms and conditions listed in Schedule B.

VI

It is further ordered that, for ten (10) years following the date that this Order shall become final, Texaco shall offer access to Getty's pipeline from Santa Fe Springs to Los Angeles to any Getty customer using the pipeline in 1983 in accordance with the terms and conditions in effect in 1983. Transportation fees shall be the fees levied for Getty's most recent arrangement in effect in December 1983 for comparable transportation, adjusted for the "Fuels and Related Products and Power Index," as published in "Producer Prices and Price Index," U.S. Department of Labor, Bureau of Labor Statistics. Any disputes between Texaco and any customer shall be settled by arbitration. If the parties are unable to agree on an arbitrator, the dispute shall be settled pursuant to the Commercial Arbitration Rules of the American Arbitration Association. The decision of the arbitrator shall be final and binding upon the parties and judgment thereupon may be entered in any court of competent jurisdiction. A violation by Texaco of any order of the arbitrator shall be a violation of this Order.

VII

It is further ordered that for a period commencing on the date of service of this order and continuing for ten (10) years from and after the date of service of this order, Texaco shall cease and desist from acquiring, without the prior approval of the Federal Trade Commission, directly or indirectly, through subsidiaries or otherwise, assets used or previously used in (and still suitable for use in), any interest in, or the whole or any part of the stock, or share capital of any company that is engaged in:

(A) Refining or the wholesale distribution of gasoline or middle distillates (including terminals and bulk plants) in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, West Virginia, or the District of Columbia; or

(B) Any petroleum product pipeline transportation in or into Colorado. Provided, however, these prohibitions shall not relate to the construction of new facilities or participation in joint ventures in which Texaco is a participant on the date of service of the order.

One year from the date of service of this order and annually thereafter

Texaco shall file with the Commission a verified written report of its compliance with this paragraph.

VIII

For the purpose of determining or securing compliance with this Order, and subject to any legally recognized privilege, upon written request and on reasonable notice to Texaco made to its principal office, Texaco shall permit any duly authorized representatives of the Commission:

(A) Access during the office hours in the presence of counsel, to inspect and copy all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or under the control of Texaco relating to any matters contained in this Order; and

(B) Upon five days notice to Texaco and without restraint or interference from them, to interview officers or employees of respondents, who may have counsel present, regarding any such matters.

IX

It is further ordered that Texaco notify the Commission at least thirty (30) days prior to any proposed change in the corporation such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change that may affect compliance obligations arising out of the order.

By the Commission, Commissioner
Pertschuk dissenting.

Issued: July 10, 1984.

Emily H. Rock,
Secretary.

Schedule A—Schedule of Assets and Operations

1. Getty's petroleum-related assets, including the "Getty" brand name, "Getty" trademark, and product inventories located in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, West Virginia, and the District of Columbia, other than the Getty refinery located in Delaware and the Getty inventories, crude handling facility, product pipeline, and terminal connected to the refinery, and 30 of the properties listed in Schedule C. Texaco's terminal facility near Salisbury, Maryland. Texaco's Eagle Point Refinery (Westville, N.J.), including any crude handling facilities, terminals, inventories, or wholly-owned pipelines connected to the refinery. (The assets in this Paragraph, A(1), need not be

divested as one package unless the Commission should so require in accordance with the terms of Paragraph II B of this Order.)

2. Either

a. Texaco's interest in the Wyco Pipe Line, or

b. The Getty Refining and Marketing Company's El Dorado, Kansas refinery and inventories, as well as related feedstock pipelines and terminals including Getty's interest in the Conway, Kansas storage facility and related terminals and pipelines; Osage Pipeline Co.; Boyer terminal; the Oklahoma-Kansas portion of Getty Pipeline, Inc. and Getty Crude Gathering, Inc.; the Cushing Crude Terminal; and the natural gas pipeline serving the refinery owned by Getty Gas Gathering, Inc. In addition, the Getty Refining and Marketing Company's marketing, sales and transportation assets, inventories, and the "Skelly" and "Surfco" brand names and trademarks for use in the sale of gasoline and middle distillate, in: Colorado, Illinois, Indiana, Iowa, Kansas, Minnesota, Michigan, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Wisconsin, Wyoming and Texas and Getty's ownership interest in the Chase Transportation Company and the Chase Terminal Co. and any other product pipelines connected to the El Dorado refinery.

Schedule 3—Terms and Conditions

1. *Eligible Purchasers*—Texaco shall offer California crude oil on the contractual terms and conditions set out below, to the following entities:

(a) All purchasers of California crude oil from Getty in 1983 except Atlantic Richfield Co., British Petroleum Co., Chevron USA Inc., Exxon, Co., Gulf Oil Co., Mobil Oil Corp., Phillips Petroleum Co., Shell Oil Co., Standard Oil Co. (Ohio), and Union Oil Co. and each of their affiliates, including affiliates acquired in whole or in part after the date that this Order shall become final ("Excluded Companies");

(b) Entities other than Excluded Companies that acquired Getty California crude oil (including crude oil obtained by Getty through production, acquisition or exchange) during 1983 from an Excluded Company under a contract of three months or more in duration (for the purposes of this provision and Paragraph B(5)(b), the acquisition of Getty California crude oil by an entity shall include any contractual arrangement for the receipt of a net volume of crude oil that confers on such entity the right to receive or to direct the sale, exchange or other disposition of Getty California crude oil to or by or through another);

(c) Entities that have refineries located in PADD V and that had a total refining capacity worldwide of less than 100,000 barrels/day in December 1983.

Notwithstanding such offer Texaco and any Eligible Purchaser may agree to other terms and conditions.

2. *Term*—From the date of termination of the contract on which Texaco's supply obligation is based or from 45 days after the date that this Order shall become final, if no contract exists, until July 1, 1989, or such shorter term desired by the Eligible Purchaser.

3. *Price*—The maximum price shall be determined as follows:

(a) The arithmetic average of the prices posted for crude oil in the field where posted by any company that produced during the previous calendar year not less than 25,000 barrels/day of the crude oil produced in the state of California. Provided, however, that Texaco's posting shall not account for more than 25 percent in the average price.

(b) If one or more of the posters in a field, satisfying the criteria in Paragraph B(3)(a), above, except Texaco, shall post a price for crude oil in that field higher than the average for a period of at least ninety (90) consecutive days, then, commencing on the 91st day, the price shall be the highest price so posted for more than ninety (90) consecutive days. This price shall remain in effect so long as it remains highest. Thereafter the price shall revert to the price as determined by subparagraph (a).

(c) If there is no posted price for a crude oil in a field from which crude oil is sold, the price for that crude oil shall be the price determined in accordance with subparagraph (a) for similar crude oil from the nearest field in California, with adjustment for gravity in accordance with prevailing practice in the industry at the time and place.

4. *Delivery*—If appropriate based on the location of the crude oil and the desired destination of the Eligible Purchaser, through Getty's or Texaco's existing pipelines (directly or through normal and customary accommodations with competitors' pipeline transportation systems to the extent Getty or Texaco engaged in such accommodations in their past course of dealings and to the extent such accommodations remain available to Texaco) on conditions similar to conditions in December 1983. Transportation fees shall be the fees levied for Getty's most recent arrangement in effect in December 1983 for comparable transportation, adjusted for the "Fuels and Related Products and Power Index," as published in "Producer

Prices as a Price Index," U.S. Department of Labor, Bureau of Labor Statistics. Provided, however, that the fees may include a reasonable return on any new investment to expand the capacity or extend the length of the pipelines.

5. Volume per year—

(a) Texaco shall offer to each Eligible Purchaser under Paragraph B(1)(b) the percentage set out in Paragraph B(5)(d) of the volume of California crude oil such purchaser acquired from Getty in 1983.

(b) Texaco shall offer to each Eligible Purchaser under Paragraph B(1)(a) the percentage set out in Paragraph B(5)(d) of the volume of California crude oil such purchaser acquired from any Excluded Company in 1983. Provided, however, that Texaco may provide such volume under an existing contract to the extent the Eligible Purchaser has contracted with Texaco for net purchases of California crude oil. In the event of any such contract, Texaco shall offer to rescind such contract and substitute therefor a new contract pursuant to this Order.

(c) If any Eligible Purchaser under Paragraph B(1)(a) and B(1)(b) should take less than the volume of crude oil that Texaco is required to offer, the Eligible Purchaser's future rights are proportionally reduced but Texaco shall make the volume not taken available for sale, under the terms and conditions set out herein, to Eligible Purchasers under Paragraph B(1)(c). Provided, however, Texaco shall not be required to prorate among all such Eligible Purchasers but may sell to any one or more of them so long as such volume is sold.

(d) In each year, Texaco shall apply the following percentage to determine the volume it must offer to each Eligible Purchaser under Paragraphs B(5) (a) and (b):

1984—81 percent
1985—83 percent
1986—86 percent
1987—90 percent
1988—100 percent
1989—100 percent

6. Exchanges and Buy-Sell

Arrangements—Texaco shall have no obligation to offer crude oil under Paragraph V and Schedule B of this Order for any volume of crude oil acquired in 1983 from Getty or an Excluded Company through an exchange or buy-sell arrangement to the extent that no net sale of crude oil occurred.

7. Resale—Texaco shall not condition any sale under this Order on any requirement for resale or exchange of any crude oil. Provided, however, that the parties may agree to exchanges or

buy-sell arrangements that facilitate the delivery of crude oil and do not diminish the net volume sold, subject to normal pipeline differentials and volume allowances.

8. Practicality—Texaco shall not be required to deliver crude oil to the extent that Getty's production has ceased or been reduced in the course of normal operations below its 1983 level in California. Provided, however, any volumes not sold because production has ceased or been reduced shall be sold to the Eligible Purchaser on the same terms and conditions when production recommences, even after July 1, 1989.

9. Arbitration—Any dispute between Texaco and any party with a claim under Paragraph V and Schedule B of this Order shall be settled by arbitration. In any case, where the application of the terms of Paragraph V and Schedule B is not clear, the arbitrator shall resolve disputes in a manner that satisfies the objectives of this Order. If the parties are unable to agree on an arbitrator within thirty (30) days, the dispute shall be settled pursuant to the Commercial Arbitration Rules and the procedures of the American Arbitration Association. The decision of the arbitrator shall be final and binding upon the parties and judgment thereupon may be entered in any court of competent jurisdiction. A violation by Texaco of any order of the arbitrator shall be a violation of this Order.

10. Other—The contract will be subject to force majeure and other customary terms to be negotiated, consistent with terms customary in the industry, including customary credit terms consistent with the terms that would be available to the Eligible Purchaser in an arm's-length purchase of crude oil. The contract may be subject to prospective prorationing to compensate for inconsistent arbitration decisions or arbitration awards for past violations of this Order that would require Texaco to sell more than 100 percent of the volume that Texaco is required and has committed to sell under this Order.

Schedule C—Getty Northeast Properties Withheld Properties

Massachusetts

- 1 Powder Mill Rd., c/o Maynard, MA.
- 1060 Old Conn. Path, c/o Framingham, MA.
- 221 Main St., c/o Gardner, MA.
- 245 N. Main St., c/o Randolph, MA.
- 609 Park Ave., c/o Worcester, MA.
- 671 Washington St., co/LL Quincy, MA.

7. 437 High Plain St., L/b Walpole, MA.
8. 835 Rockdale Ave., c/o New Bedford, MA.
9. 150 Plymouth Ave., c/o Fall River, MA.
10. 964 Boylston St., c/o Newton, MA.
11. 346 Sea St., L/b Quincy, MA.
12. Connecticut, 156 Boston Post Rd., co/LL Waterford, CT.

Rhode Island

13. 33 Jefferson Blvd., c/o Warwick, R.I.
14. 1307 Post Rd., c/o Warwick, R.I.
15. 1669 Warwick Ave., c/o Warwick, R.I.
16. 722 Willett Ave., c/o E. Providence, R.I.
17. 495 Tower Hill Rd., c/o E. Kingston, R.I.
18. 2501 W. Shore., L/B Warwick, R.I.

New York

19. 1128 E. Gun Hill Rd., co/LL Bronx, N.Y.
20. 1133 Jerome Ave., L/B Bronx, N.Y.
21. 1740 Jerome Ave., L/B Bronx, N.Y.
22. 1881 Forest Ave., c/o Staten Island, N.Y.
23. 1124 First Ave., L/B New York, N.Y.
24. 1981 Ocean Ave., L/B Brooklyn, N.Y.
25. 920 Hylan Blvd., L/B Staten Island, N.Y.
26. 39-15 College Pt. Blvd., L/B New York, N.Y.
27. 152 10th Ave., L/B New York, N.Y.
28. 571 Coney Island Ave., L/B Brooklyn, N.Y.

New Jersey

29. 350 Preakness Ave., c/o Paterson, N.J.
30. Rt. 30—McLean Blvd., c/o Paterson, N.J.
31. 132 Rt. 46., c/o Budd Lake, N.J.
32. Rt. 9 and Locust St., c/o Lakewood, N.J.
33. Rt. 88 (South Side), c/o Bricktown, N.J.
34. 551 W. Front St., c/o Plainfield, N.J.
35. 1650 Lincoln Hwy (Rt. 27), c/o Edison Twnp., N.J.
36. 1121 St. George Ave., c/o Woodbridge, N.J.
37. Sicklerville and Andrews Rd., co/LL Winslow Twnp., N.J.
38. 2031 Rt. 22 (Westbd), co/LL Union, N.J.
39. White Horse PK and Franklin, co/LL Berlin, N.J.
40. 48 French St., co/LL New Brunswick, N.J.
41. Rt. 130 and Willow Dr., L/b Cinnaminson, N.J.

42. County Line Rd., L/b Jackson Twp., N.J.
 43. Delsea Drive, L/b Deptford Park, N.J.
 44. Rt. 20 North, L/b Paterson, N.J.
 45. Rt. 35 and Poole Ave., L/b Hazlet, N.J.
 46. Rt. 22 (East), L/b Hillside, N.J.
 47. Middlesex and Main St., L/b Metuchen, N.J.
 48. 2352 Morris Ave., c/o Union, N.J.
 49. Egg Harbor Rd., c/o Washington, N.J.
 50. 738 Cedar Lane, L/b Teaneck, N.J.
 51. 2284 Rt. #4, c/o Fort Lee, N.J.

Pennsylvania

52. Hunt Pk and Clearfield, c/o Philadelphia, PA.
 53. 6900 Frankford Rd., c/o Philadelphia, PA.
 54. Rt. 29 and Chestnut St., c/o Emmons, PA.
 55. 3024 New Rogers Rd., c/o Bristol Twp., PA.
 56. Albright and Tilghman, c/o Allentown, PA.
 57. U.S. 202 and P.A. Trnkp., c/o King of Prussia, PA.
 58. Bustleton and Buck Rds., c/o Feasterville, PA.

Maryland

59. 121 South Bond St., c/o Bel Air, MD.
 60. 149 Back River Rd., c/o Baltimore, MD.
 61. Oakleigh Rd., L/b Parkville, MD.

Dissenting Statement of Commissioner Pertschuk Concerning Texaco/Getty, File No. 841 0077

July 10, 1984.

Contrary to what appears to be prevailing Commission policy, Congress did not direct the antitrust agencies to strain the seams of the consent agreement-partial divestiture process to preserve massive mergers. We could have sued to enjoin this acquisition and we should have.

The final order as adopted by the majority has two major flaws. It fails to remedy a major competitive problem concerning independent refiners in California and instead creates a highly regulatory, incredibly complex and temporary crude supply program. Second, it fails to incorporate safeguards recently included in the *Socal/Gulf* agreement and, therefore, risks the ultimate unsuccessful divestiture and closing of assets which must be spun off under the order.

This staff's theory concerning the west coast crude oil market is that Getty has been the largest supplier of heavy crude oil to non-integrated refiners in

California. Texaco does not have the same incentives as Getty to supply independent refiners, in large part because of the Windfall Profits Tax, and, therefore, is more likely to divert crude to its own refinery system. Such a diversion would endanger the long run viability of refiners there and provide a means and added incentive for Texaco to attempt to acquire them at distress prices.

The Commission accepts this theory but opts for the inadequate remedy of requiring Texaco to supply crude oil for five years to independent refiners. This crude allocation scheme has become more complex between the initial and final versions of the order because of new questions about how to calculate price, volume, and related terms such as transportation and credit. The staff has done a good job under the circumstances in constructing a complex system which attempts to be fair, but the resulting scheme is incredibly complex and uncertain, as indicated by the fact that its features were still being revised and new problems discovered even within the last few days. According to staff, Texaco itself argued in negotiations that it foresaw the possibility of large numbers of disputes and that the resolution of them "might take 100 years." As the Deputy Director of the Bureau of Economics argues, for the FTC to recreate the Petroleum Entitlements Program when the agency has consistently challenged the regulatory actions of other agencies is inappropriate.¹ Moreover, the majority's confident reliance on only a five year requirement is speculative and may well prove inadequate.²

¹ It is frequent Commission practice for an individual Commissioner to state publicly the theories and findings of staff in explaining his or her decision on a Commission decision if no confidential commercial information is disclosed. Nevertheless, the General Counsel recently prepared a memorandum interpreting our confidentiality rules as forbidding any individual Commissioner from stating publicly any staff arguments or conclusions prepared to aid Commission deliberations unless a majority of the Commission agrees. Needless to say, this sweeping interpretation would mean that the majority could pick and choose which staff findings an individual Commissioner could disclose. Thus, it provides ample opportunity for suppression of dissenting views as well as making the process of Commissioners communicating with the public about what the agency is doing and thinking extremely cumbersome. The General Counsel's opinion has fortunately never been adopted by the Commission. It is impractical, contrary to past practice and highly inadvisable. I decline to follow it.

² See, e.g., the Comments of California Attorney General John K. Van de Kamp (Comment No. 283) and independent refiner comments (No. 228, 236, 237, 240, 263).

The second problem is that the order does not include the safeguards that were built into the provisionally accepted *Socal/Gulf* order, in particular, holding the two companies separate until the proposed divestitures are approved and providing for additional assets, including crude oil, to be divested in order to insure spun off assets remain viable. The staff makes an argument that the concerns that necessitated the safeguards in *Socal/Gulf* are not applicable here. I disagree. The general proposition that was recognized in *Socal/Gulf* was that divestiture of oil company assets, particularly refineries, may not result in viable entities. One way to insure these divestitures are successful is to include additional assets, such as a crude oil supply, in the divestiture package, and to hold the merging companies separate—and in effect retain the option to challenge the underlying transaction—if the divestitures prove to be unworkable.

The Commission justifiably claimed that the *Socal/Gulf* agreement was a major improvement over prior partial divestiture orders. But now, without any real ground for treating this agreement differently, it refuses to adopt the *Socal/Gulf* approach. The risk of unsuccessful divestitures arose most clearly in the case of the two refineries—Eagle Point and El Dorado. In the case of the El Dorado refinery, the Commission purports to have solved the problem of preserving it by allowing Texaco to retain it, along with pipeline and other assets, and instead divest its interest in the Wyco pipeline. Originally, staff says, the inclusion of the El Dorado refinery in the divestiture package with the Chase pipeline was justified on the grounds that this pipeline divestiture would not be viable without a refinery. It is not entirely clear why now the Wyco pipeline interest can be divested alone, but no additional assets are needed to insure viability. As for Eagle Point, the Commission hopes for the best.

Given that the Commission has not included any special safeguards in this order, it is enlightening to review the administration's response to Congressional consideration of H.R. 5452, introduced by Congressman Florio, which would insure that an oil company merger did not become final until the divestitures were approved.³ The Justice

³ Similar legislation was introduced in the Senate by Senator Kassebaum.

Department opposed this bill, arguing: "its basic goals * * * are fully protected by existing procedures. * * *. If a hold separate order is required pending any given divestiture, it can be obtained through consent or litigation." * Thus, we have the spectacle of the FTC failing to include safeguards in one merger order that it said were necessary in a similar case weeks ago, while the Justice Department opposes additional legislation on the grounds that the antitrust agencies can obtain these safeguards through existing procedures.

Conclusion

The error of the majority in this case has been to accept too readily the presumption that, whatever we do, the basic transaction must be preserved. As a result, we have accepted an extremely complex and uncertain partial divestiture plan along with a temporary and highly regulatory crude oil entitlements program. I continue to believe the Commission would have been more faithful to the Congressional intent behind Section 7 of the Clayton Act by seeking to enjoin this merger.

[FR Doc. 84-19836 Filed 7-25-84; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 11

[Docket Nos. RM83-13-001, RM83-13-002, RM83-13-003, RM83-13-004, and RM83-13-005]

Annual Charges for Use of Government Dams and Other Structures

Issued: July 23, 1984.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Order granting rehearing solely for the purpose of further consideration.

SUMMARY: The Federal Energy Regulatory Commission is issuing an order granting limited rehearing on five applications filed with respect to the Commission's final rule setting annual charges for hydroelectric projects that use Federal dams or other structures. Rehearing is granted solely to allow the Commission sufficient time for further consideration of the applications. The order does not constitute a grant or denial of any application on its merits, either in whole or in part.

* Letter from Robert A. McConnell, Assistant Attorney General for Legislative Affairs, to Congressman James J. Florio, June 13, 1984, p. 6.

EFFECTIVE DATE: July 23, 1984.

FOR FURTHER INFORMATION CONTACT: Jan Macpherson, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, (202) 357-8033.

SUPPLEMENTARY INFORMATION:

Before Commissioners: Raymond J. O'Connor, Chairman; Georgiana Sheldon, A.G. Sousa and Oliver G. Richard III.

On May 24, 1984, the Federal Energy Regulatory Commission (Commission) issued a final rule setting annual charges for hydroelectric licensees who use Federal dams or other structures under section 10(e) of the Federal Power Act. 49 FR 22770 (June 1, 1984).

On June 25, 1984, the Commission received timely petitions for rehearing of this order from the City of Aberdeen, Washington, the Solano Irrigation District, the Annual Charges Policy Group, the Louisville Gas and Electric Company, and the Guadalupe-Blanco River Authority of Texas. To have sufficient time to consider the issues raised in these petitions, the Commission grants rehearing of its order solely for the purpose of further consideration. This order is effective on the date of issuance. This action does not constitute a grant or denial of the petitions on their merits, either in whole or in part. As provided in § 385.713 of the Commission's Rules of Practice and Procedure (18 CFR 385.713), no answers to these petitions will be entertained by the Commission because this order does not grant rehearing on any substantive issue.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-19814 Filed 7-25-84; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 73

[Docket No. 83C-0321]

Listing of Color Additives for Coloring Contact Lenses

AGENCY: Food and Drug Administration.
ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the color additive regulations to provide for the use of 1,4-bis[(2-methylphenyl)amino]-9,10-anthracenedione as a color additive for coloring contact lenses. This

action responds to a petition filed by Dow Corning Ophthalmics, Inc.

DATES: Effective August 28, 1984; objections by August 27, 1984.

ADDRESS: Written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: James H. Maryanski, Center for Food Safety and Applied Nutrition (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5740.

SUPPLEMENTARY INFORMATION: In a notice published in the Federal Register of October 20, 1983 (48 FR 48714), FDA announced that a color additive petition (CAP 3C0177) had been filed by Dow Corning Ophthalmics, Inc., P.O. Box 1767, Midland, MI 48640, proposing that the color additive regulations be amended to provide for the safe use of 1,4-bis[(2-methylphenyl)amino]-9,10-anthracenedione for coloring contact lenses. The petition was filed under section 706 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 376).

With the passage of the Medical Device Amendments of 1976 (Pub. L. 94-295) to the act, Congress mandated the listing of color additives for use in medical devices where the color additive comes in direct contact with the body for a significant period of time (21 U.S.C. 376(a)). The use of the color additive presented in the petition now before the agency is subject to this listing requirement. This color additive, which imparts a blue color, is added to contact lenses in such a way that at least some of the color additive will come in contact with the eye when the lenses are worn. In addition, the lenses are intended to be placed on the eye for several hours a day, each day, for 1 year or more. Thus, the color additive will be in direct contact with the body for a significant period of time.

Only a small amount of a color additive is required to tint contact lenses. Under this petition, the maximum level of 1,4-bis[(2-methylphenyl)amino]-9,10-anthracenedione used in a lens would be 90 parts per million. For a lens weighing 47 milligrams (the weight of the heaviest lens to which the color additive is added under the uses described in the petition), if the lens is tinted with 90 parts per million of 1,4-bis[(2-methylphenyl)amino]-9,10-anthracenedione, there would be approximately 4.4 micrograms of 1,4-bis[(2-methylphenyl)amino]-9,10-

anthracenedione in the lens or approximately 8.8 micrograms in a pair of lenses. If all the color additive migrated to the eye from the lens in 1 year, the average lifetime for a pair of contact lenses, the wearer would be exposed to 0.024 microgram 1,4-bis[(2-methylphenyl)amino]-9,10-anthracenedione per day.

FDA has evaluated the toxicity data which include the results of in vitro cytotoxicity tests of the color additive applied directly to cultured mammalian cells. The highest no-effect level of the color additive in the cytotoxicity studies was several million times the worst-case estimate of the level of the additive in ocular fluid. Based upon the results of this study, FDA finds that it can conclude to a reasonable certainty that no harm will result from the petitioned use of 1,4-bis[(2-methylphenyl)amino]-9,10-anthracenedione. FDA further concludes that the safety margin is sufficiently large that a limitation on the amount of the color additive that may be present in the lens, beyond the limitation that only that amount necessary to accomplish the intended technical effect may be used, is not required.

Based on its consideration of the factors listed in § 71.20(b) (21 CFR 71.20(b)), the agency concludes that certification of the color additive listed in this final rule is not necessary for the protection of the public health.

In accordance with § 71.15(a) (21 CFR 71.15(a)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the use of the color additive in contact lenses are available for inspection at the Center for Food Safety and Applied Nutrition (address above) by appointment with the information contact person listed above. As provided in § 71.15, the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement therefore will not be prepared. The agency's finding of no significant impact and the evidence supporting this finding may be seen in the Dockets Management Branch (address above), between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 73

Color additives, Cosmetics, Drugs, Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 701(e), 706, 70 Stat. 919 as amended, 74 Stat. 399-407 as amended (21 U.S.C. 371(e), 376)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 73 is amended in Subpart D by adding new § 73.3105 to read as follows:

PART 73—LISTING OF COLOR ADDITIVES EXEMPT FROM CERTIFICATION

§ 73.3105 1,4-Bis[(2-methylphenyl)amino]-9,10-anthracenedione.

(a) *Identity.* The color additive is 1,4-bis[(2-methylphenyl)amino]-9,10-anthracenedione (CAS Reg. No. 6737-68-4).

(b) *Uses and restrictions.* (1) The substance listed in paragraph (a) of this section may be used as a color additive in contact lenses in amounts not to exceed the minimum reasonably required to accomplish the intended coloring effect.

(2) Authorization and compliance with this use shall not be construed as waiving any of the requirements of sections 510(k), 515, and 520(g) of the Federal Food, Drug, and Cosmetic Act (the act). A person intending to introduce a device containing 1,4-bis[(2-methylphenyl)amino]-9,10-anthracenedione listed under this section into commerce shall submit to the Food and Drug Administration either a premarket notification in accordance with Subpart E of Part 807 of this chapter, if the device is not subject to premarket approval, or submit and receive approval of an original or supplemental premarket approval application if the device is subject to premarket approval.

(c) *Labeling.* The label of the color additive shall conform to the requirements of § 70.25 of this chapter.

(d) *Exemption from certification.* Certification of this color additive is not necessary for the protection of the public health, and therefore the color additive is exempt from the certification requirements of section 706(c) of the act.

Any person who will be adversely affected by the foregoing regulation may at any time on or before August 27, 1984 file with the Dockets Management Branch (address above) written objections thereto. Objections shall show how the person filing will be adversely affected by the regulation, specify with particularity the provisions of the regulation deemed objectionable, and state the grounds for the objections. Objections shall be filed in accordance with the requirements of 21 CFR 71.30. If a hearing is requested, the objections

shall state the issues for the hearing and shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Three copies of all documents shall be filed and shall be identified with the docket number found in brackets in the heading of this document. Any objections received may be seen in the Dockets Management Branch, between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective August 28, 1984, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the **Federal Register**.

(Secs. 701(e), 706, 70 Stat. 919 as amended, 74 Stat. 399-407 as amended (21 U.S.C. 371(e), 376))

Dated: July 13, 1984.

William F. Randolph,
Acting Associate Commissioner for
Regulatory Affairs.

[FR Doc. 84-19899 Filed 7-25-84; 8:45 am]

BILLING CODE 4150-01-M

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Griseofulvin

AGENCY: The Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is revoking the regulation reflecting approval of a new animal drug application (NADA) held by Schering Corp. which provides for use of griseofulvin in chinchilla feeds. The sponsor requested the withdrawal of approval.

EFFECTIVE DATE: August 6, 1984.

FOR FURTHER INFORMATION CONTACT: David N. Scarr, Center for Veterinary Medicine (HFV-214), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1846.

SUPPLEMENTARY INFORMATION: In a notice published elsewhere in this issue of the **Federal Register**, approval of NADA 31-877 held by Schering Corp. is being withdrawn. The NADA provides for use of griseofulvin in chinchilla feeds for prevention, treatment, and control of fungal infections caused by *Trichophyton*, and as an aid in the prevention of fur chewing associated with these fungal infections. This

document revokes 21 CFR 558.266 which reflects approval of the NADA.

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

§ 558.266 [Removed]

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 345-347 (21 U.S.C. 360(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Veterinary Medicine (21 CFR 5.84), Part 558 is amended by removing § 558.266 *Griseofulvin*.

Effective date, August 6, 1984.

(Sec. 512(e), 82 Stat. 345-347 (21 U.S.C. 360b(e)))

Dated: July 20, 1984.

Gerald B. Guest,

Acting Director, Center for Veterinary Medicine.

(FR Doc. 84-19700 Filed 7-25-84; 8:45 am)

BILLING CODE 4160-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 44

[DoD Directive 1200.7]

Screening the Ready Reserve

AGENCY: Office of the Secretary of Defense, DoD.

ACTION: Final rule.

SUMMARY: This rule has been revised to update and clarify policy, procedures, and responsibilities for screening members of the Ready Reserve. The screening process prescribed was developed to ensure that all members of the Ready Reserve are immediately available for mobilization in the event of a national emergency or when otherwise called to active duty. The major changes incorporated in the revised rule are (a) new guidelines that employers can use to determine more effectively which positions (if any) within their organizations cannot be vacated during a national emergency or mobilization without impairing seriously the capability of their organizations to perform federally-mandated emergency functions; (b) a clearer and more useful definition of the term "key position"; and (c) extensive reorganization and editing intended to reduce the rule's bulk and improve its readability.

DATE: This rule was approved and signed by the Deputy Secretary of

Defense on April 6, 1984, and is effective as of that date.

FOR FURTHER INFORMATION CONTACT: CDR William L. Giles, USCG, Office of the Assistant Secretary of Defense (Reserve Affairs), the Pentagon, Room 3C980, Washington, DC 20301, 202-697-0624.

SUPPLEMENTARY INFORMATION: In FR Doc. 79-5867 appearing in the *Federal Register* on February 28, 1979 (44 FR 11215), the Office of the Secretary of Defense published this rule. It is now being revised and incorporates the changes described in the **SUMMARY** above.

List of Subjects in 32 CFR Part 44

Military personnel, Ready reserve, Armed Forces reserves.

Accordingly, 32 CFR is amended by revising Part 44, reading as follows:

PART 44—SCREENING THE READY RESERVE

Sec.

44.1 Purpose.

44.2 Applicability.

44.3 Definitions.

44.4 Policy.

44.5 Procedures.

44.6 Responsibilities.

44.7 Information requirements.

Appendix A—Letter Format to Cognizant Reserve Personnel Center Requesting That Employee Be Removed From the Ready Reserve

Appendix B—List of Reserve Personnel Centers to Which Reserve Screening Determination and Removal Requests Shall be Forwarded

Authority: Title 10, U.S.C., Sections 269, 271, 272, 652, 672, 673, 674, 685, and 1005 and E.O. 11190.

§ 44.1 Purpose.

This part updates and clarifies DoD policy, procedures, and responsibilities governing the screening of Ready Reservists, consistent with title 10, U.S.C., sections 269, 271, 272, 652, 672, 673, 674, 685, and 1005 and E.O. 11190.

§ 44.2 Applicability.

This part applies to the Office of the Secretary of Defense and the Military Departments (including their reserve components). The term "Military Services," as used herein, refers to the Army, the Navy, the Air Force, the Marine Corps, and the Coast Guard (by agreement with the Department of Transportation). Reserve components include the Army National Guard, the Army Reserve, the Naval Reserve, the Marine Corps Reserve, the Air National Guard, the Air Force Reserve, and the Coast Guard Reserve.

§ 44.3 Definitions.

(a) *Defense Support Industry.* Any business or corporation so determined by FEMA.

(b) *Extreme Community Hardship.* A situation that, because a reservist is mobilized, may have a substantially adverse effect on the health, safety, or welfare of the community. Any request for a determination of such hardship shall be made by the reservist and must be supported by documentation as required by the Secretary of the Military Department concerned.

(c) *Extreme Personal Hardship.* An adverse impact upon a reservist's dependents resulting from his or her mobilization. Any request for a determination of such hardship shall be made by the reservist and must be supported by documentation as required by the Secretary of the Military Department concerned.

(d) *Key Employee.* Any federal employee occupying a key position.

(e) *Key Position.* A federal position that cannot be vacated during a national emergency or mobilization without seriously impairing the capability of the parent federal agency or office to function effectively. There are three categories of federal key positions. The first two categories are, by definition, key positions. Only the final category requires a case-by-case determination and designation:

(1) The Vice President of the United States or any official specified in the order of presidential succession as set forth in 3 U.S.C. 19.

(2) Members of Congress, heads of federal agencies appointed by the President with the consent of the Senate, and the federal judiciary (District, Circuit, and Supreme Court judges and justices only; all other positions within the federal judiciary shall be considered under the provisions of paragraph (e)(3) of this section). For the purposes of the definition contained in this paragraph, the terms "heads of federal agencies" does not include any person appointed by the President with the consent of the Senate to a federal agency as a member of a multimember board or commission. Positions occupied by such persons may be designated as key positions only by the application of the criteria set forth in § 44.5(b)(2) of this part.

(3) Other federal positions determined by federal agency heads, or their designees, to be key positions in accordance with the guidelines specified in § 44.5(b)(2) of this part.

(f) *Ready Reserve.* Units and individual reservists liable for active duty as outlined in 10 U.S.C. 672 and 673.

(g) *Selected Reserve.* Part of the Ready Reserve of each reserve component consisting of units and individuals who participate actively in paid training periods and serve on paid active duty for training each year.

(h) *Standby Reserve.* Units or members of the reserve components, other than those in the Ready Reserve or Retired Reserve, who are liable for active duty as provided in sections 672 and 674 of title 10, U.S.C.

§ 44.4 Policy.

It is DoD policy that members of the Selected Reserve and other Ready Reservists who are not on active duty shall be screened at least annually to provide a Ready Reserve force composed of members who:

- (a) Meet Military Service wartime standards of mental, moral, professional, and physical fitness.
- (b) Possess the military qualifications required in the various ranks, grades, ratings, and specialties.
- (c) Are available immediately for active duty during a mobilization (or during a war or national emergency or in response to a presidential order to augment the active forces for an operational mission).

§ 44.5 Procedures.

(a) *Reserve Component Screening Activities.* The following general procedures shall be followed to ensure the immediate availability of a Ready Reserve force:

(1) *Annual Screening.* All Ready Reservists shall be screened at least annually to ensure their availability. Upon mobilization, all screening activity ceases, and all those remaining in the Ready Reserve shall be considered immediately available for active duty service.

(2) *Maintaining Current Data.* The development and maintenance of current information pertaining to the mobilization availability of Ready Reservists shall be the responsibility of the Secretary of the Military Department concerned.

(3) *Civilian Employment.* After a mobilization is ordered, no deferment, delay, or exemption from mobilization will be granted to Ready Reservists because of their civilian employment.

(4) *Retention in the Ready Reserve.* All Ready Reservists shall be retained in the Ready Reserve for the entire period of their statutory obligation or voluntary contract. Exceptions to this policy are made in this part or may be made by the Secretaries of the Military Departments (10 U.S.C. 269).

(5) *Transfer of National Guard Members to the Standby Reserve.* In

accordance with section 269(g) of title 10, U.S.C., a member of the Army National Guard or the Air National Guard may be transferred to the Standby Reserve only with the consent of the governor or other appropriate authority of the state, commonwealth, or territory concerned (including the District of Columbia).

(6) *Transfer from the Standby Reserve to the Ready Reserve.* Under section 272 of title 10, U.S.C., any eligible member of the Standby Reserve may be transferred back to the Ready Reserve when the reason for the member's transfer to the Standby Reserve no longer exists (32 CFR Part 100).

(7) *Extreme Hardship.* The Secretaries of the Military Departments shall screen extreme hardship cases (section 271a(5) of title 10, U.S.C.). Ready Reservists whose immediate recall to active duty during an emergency would create an extreme personal or community hardship shall be transferred to the Standby Reserve or the Retired Reserve or shall be discharged, as appropriate.

(8) *Miscellaneous Screening Requirements.* Ready Reservists identified in the following categories shall be processed as follows:

(i) *Civilian Employment Restrictions.* Ready Reservists who are also DOD civilian employees may not hold a mobilization assignment to the same positions that they fill as civilian employees. These Ready Reservists shall be reassigned or transferred, as appropriate. Reserve component unit civilian technicians, as members of reserve units, are excluded from this provision.

(ii) *Theological Students.* Ready Reservists who are preparing for the ministry in an accredited theological or divinity school cannot be involuntarily called to active duty or required to participate in inactive duty training (10 U.S.C. 685). Accordingly, such Ready Reservists (other than those participating in a military Chaplain Candidate or Theological Student Program) shall be transferred to the Standby Reserve (active status) for the duration of their ministerial studies at accredited theological or divinity schools. Ready Reservists participating in a military Chaplain Candidate or Theological Student Program may continue their Ready Reserve affiliation and engage in active duty and inactive duty training.

(iii) *Health Care Professionals.* Ready Reservists may not be transferred from the Ready Reserve solely because they are students, interns, residents, or fellows in the health care professions. Upon mobilization, they either shall be deferred or shall be mobilized in a

student, intern, resident, or fellow status until qualified in the appropriate military specialty as prescribed by the Military Department Secretaries (DoD Directive 1215.4).

(9) *Availability Determinations.* The Secretaries of the Military Departments shall make determinations for mobilization availability on a case-by-case basis, consistent with this part, and not by class or group determinations.

(10) *Removal Determinations.* Under this part, the Secretaries of the Military Departments shall review recommendations for removal of employees from the Ready Reserve submitted by employers and shall take appropriate action.

(b) *Screening Activities by Employers of Ready Reservists.* In addition to the Ready Reserve screening activities prescribed in this part to be conducted by the Military Departments, employers of Ready Reservists also have certain screening responsibilities under the law.

(1) *Nonfederal Employers.* Under 44 CFR Part 333, nonfederal employers of Ready Reservists, particularly in the fields of public health and safety and defense support industries, are encouraged to adopt personnel management procedures designed to preclude conflicts between the emergency manpower needs of civilian activities and the military during a mobilization. Employers also are encouraged to use the federal key position guidelines contained herein for making their own key position designations and, when applicable, for recommending key employees for removal from the Ready Reserve.

(2) *Federal Employers.* Federal Preparedness Circular (FPC) 9 promulgated policy for Ready Reserve screening activities that shall be accomplished by federal sector employers. To ensure that federal employees essential to the continuity of the federal government are not retained as members of the Ready Reserve, the following procedures shall apply:

(i) *Key Positions.* Some federal employees occupy positions that cannot be vacated during a national emergency or mobilization without seriously impairing the capability of their agency to function effectively. Because of the essential nature of these positions, the federal agency head, or designee, concerned shall designate such positions as key positions and shall require that they not be filled by Ready Reservists to preclude such positions from being vacated during a mobilization. The Military Department Secretaries shall transfer Ready Reservists occupying key positions to the Standby Reserve or the

Retired Reserve or shall discharge them, as appropriate, under 10 U.S.C. 271(b). However, reserve officers with a remaining military service obligation at the time of their removal from the Ready Reserve may be transferred only to the Standby Reserve, Active Status (section 1005 of title 10, U.S.C.).

(ii) *Key Position Designation Guidelines.* In determining whether or not a position should be designated as a key position, the following questions should be considered by the federal agency concerned:

- (A) Can the position be filled in a reasonable time after mobilization?
- (B) Does the position require technical or managerial skills that are possessed uniquely by the incumbent employee?
- (C) Is the position associated directly with defense mobilization?

(D) Does the position include a mobilization or relocation assignment in an agency having emergency functions as designated by E.O. 11490?

(E) Is the position directly associated with industrial or manpower mobilization as designated in E.O. 11490 and E.O. 10480?

(F) Are there other factors related to national defense, health, or safety that would make the incumbent of the position unavailable for mobilization?

(c) *Removal Recommendations.* All employers who determine that a Ready Reservist is a key employee, in accordance with the guidelines contained in this part, promptly should report that determination to the cognizant reserve. The letter format shown in Appendix A should be used for such recommendations and should be mailed to the cognizant reserve personnel center listed in Appendix B. All the information shown in the letter format should be provided so the reserve personnel center can assess properly the matter and take appropriate action.

(d) *Resolution of Conflicting Manpower Needs.* In accordance with 44 CFR Part 333, the Federal Emergency Management Agency (FEMA) has the authority to adjudicate, before mobilization, conflicts between the mobilization manpower needs of the civilian sector and the military that the Ready Reserve screening process has identified but has not resolved.

(e) *Individual Responsibilities of Ready Reservists.* (1) Each Ready Reservist who is not a member of the Selected Reserve is obligated to notify the Secretary of the Military Department concerned of any change of address, marital status, number of dependents, or civilian employment and any other

change that would prevent the member from meeting mobilization standards prescribed by the Military Service concerned (10 U.S.C. 652).

(2) All Ready Reservists shall inform their employers of their Reserve military obligation.

§ 44.6 Responsibilities.

(a) *The Assistant Secretary of Defense (Reserve Affairs) (ASD(RA))* shall manage and control the overall Ready Reserve screening program in accordance with section 271 of title 10, U.S.C., E.O. 11190, and House Appropriations Committee Report 95-451.

(b) *The Secretaries of the Military Departments* shall:

(1) Screen, at least annually, all Ready Reservists under their jurisdiction to ensure their immediate availability for active duty.

(2) Ensure that personnel records systems incorporate information on any factors that limit the mobilization availability of a Ready Reservist.

(3) Ensure that all Ready Reservists have a favorably completed National Agency Check (NAC) or Entrance National Agency Check (ENTNAC) on file.

(4) Ensure that Ready Reservists not on active duty are examined as to physical fitness in accordance with DOD Directive 1205.9.

(5) Process members of the Ready Reserve who do not participate satisfactorily in accordance with Parts 100, 101, and 115 of this title.

(6) Transfer Ready Reservists identified as occupying key positions to the Standby Reserve or the Retired Reserve or discharge them, as appropriate.

(7) After making a removal determination in response to a petition for such action, promptly transmit the results of that determination to the Ready Reservist concerned and his or her employer.

§ 44.7 Information requirements.

The ASD(RA) shall provide:

(a) Federal agencies with a listing of all federal employees who are also Ready Reservists to assist them in conducting employer screening activities required in FPC-9. Responses from federal agencies shall be reported under Interagency Report Control Number 0912-DoD-AN. Standard data elements shall be used in the report in accordance with DOD Directive 5000.11.

(b) The House Appropriations

Committee with an annual report on the status of Ready Reservists employed by the federal government.

Appendix A—Letter Format to Cognizant Reserve Personnel Center Requesting That Employee Be Removed From the Ready Reserve

(Date)

(YYMMDD)

From: (employer-agency or company)

To: (appropriate reserve personnel center)

Subject: Request for Employee to Be

Removed from the Ready Reserve

This is to certify that the employee identified below is vital to the nation's defense efforts in (his or her) civilian job and can't be mobilized with the Military Services in an emergency for the following reasons:

Therefore, I request that (he or she) be removed from the Ready Reserve and that you advise me accordingly when this action has been completed.

The employee is:

Name of employee (last, first, M.I.)

Military grade and reserve component

Social security number

Current home address (street, city, state, and ZIP code)

Military unit to which assigned (location and unit number)

Title of employee's civilian position

Grade or salary level of civilian position

Date (YYMMDD) hired or assigned to position.

Signature and Title of Agency or Company Official

Appendix B—List of Reserve Personnel Centers To Which Reserve Screening Determination and Removal Requests Shall Be Forwarded

Army National Guard and Army Reserve

Headquarters, Department of the Army, Attn: DAPE-PSM, Washington, D.C. 20310

Naval Reserve

Officers: Commander, Naval Military Personnel Center, Attention: NMPC-911, Washington, D.C. 20370

Enlisted: Commanding Officer, Naval Reserve Personnel Center, New Orleans, LA 70149

Marine Corps Reserve

Commandant (Code RES), Headquarters, U.S. Marine Corps, Washington, D.C. 20380

Air Force Reserve

Commander (ARPC/DP), Air Reserve Personnel Center, 7300 East First Avenue, Denver, CO 80280

Air National Guard

Submit requests to the adjutant general of the appropriate state, commonwealth, or territory (including the District of Columbia).

Coast Guard Reserve

Commandant (G-RA/55), U.S. Coast Guard
Headquarters, 2100 Second Street SW.,
Washington, D.C. 20593.

M. S. Healy,

OSD Federal Register Liaison Officer,
Department of Defense.

Dated: July 19, 1984.

[FR Doc. 84-19797 Filed 7-25-84; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF TRANSPORTATION**Coast Guard****33 CFR Part 100**

[CGD3 84-25]

Regatta; Air Brook Barnegat Bay Classic, Toms River, NJ

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: Special Local Regulations are being adopted for the Air Brook Barnegat Bay Classic being sponsored by the Barnegat Bay Power Boat Racing Association of Bricktown, NJ. This power boat race event will be held on August 25, 1984 between the hours of 12:00 p.m. and 3:00 p.m. This regulation will become effective at 10:00 a.m. to allow time for the regulated area to be cleared of any vessel traffic. This regulation is needed to provide for the safety of participants and spectators on navigable waters during the event.

EFFECTIVE DATE: This regulation becomes effective on August 25, 1984 at 10:00 a.m. and terminates the same day at 3:00 p.m.

FOR FURTHER INFORMATION CONTACT: LTJG D.R. Cilley, (212) 668-7974.

SUPPLEMENTARY INFORMATION: On May 24, 1984 the Coast Guard published a notice of proposed rule making in the Federal Register for this regulation (49 FR 21946). Interested persons were requested to submit comments and no comments were received. Accordingly no changes are made to the regulation as proposed.

Drafting Information

The drafters of this regulation are LTJG D.R. Cilley, Project Officer and Ms. MaryAnn Arisman, Project Attorney, Third Coast Guard District Legal Office.

Discussion of Regulations

The Air Brook Barnegat Bay Classic is sponsored by the Barnegat Bay Power Boat Racing Association of Bricktown, NJ. This power boat race event will be held on Barnegat Bay on August 25, 1984. This event is well known to the residents of the communities

surrounding Toms River and Barnegat Bay. There will be one (1) 80 mile race sanctioned by the National Power Boat Association. Between 45-60 powerboats will compete during the day reaching speeds of 65-80 mph. The oval track has been laid out so that there should be little or no interference with vessel traffic in the Intercoastal Waterway (I.C.W.). Access to and from any section of Toms River and Barnegat Bay will not be restricted. The sponsor is providing in excess of 40 patrol vessels in conjunction with Coast Guard and local resources to patrol this event. In order to provide for the safety of life and property, the Coast Guard will restrict vessel movement in the race course area and will establish special anchorages for what is expected to be a large spectator fleet. Mariners are urged to use extreme caution when transiting the area due to the large number of spectators, and they should adhere closely to the charted Intercoastal Waterway. The Coast Guard will issue a safety voice broadcast and this regulation will be published in the Local Notice to Mariners to advise the general public of this event.

Discussion of Comments

No comments were received.

Economic Assessment and Certification

These regulations are considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact is expected to be minimal. This event will draw a large number of spectator craft into the area for the duration of the event. This should easily compensate area merchants for the slight inconvenience of having navigation restricted.

Since the impact of this regulation is expected to be minimal, the Coast Guard certifies that, if adopted, it will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

PART 100—[AMENDED]**Final Regulation**

In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations, is amended by adding a temporary § 100.35-306 to read as follows:

§ 100.35-306 Air Brook Barnegat Bay Classic, Toms River, NJ

(a) *Regulated Area:* Barnegat Bay, New Jersey in the area bounded by 39 degrees 55 minutes on the north, 39 degrees 50 minutes on the south, the Intercoastal Waterway (I.C.W.) on the west and Island Beach on the east.

(b) *Effective Period:* This regulation will be effective from 10:00 a.m. to 3:00 p.m. on August 25, 1984. In case of postponement, the raindate will be August 26, 1984 and this regulation will be in effect for the same time period.

(c) Special Local Regulations:

(1) All persons or vessels not registered with sponsor as participants or not part of the regatta patrol are considered spectators.

(2) No spectator or press boats shall be allowed out onto or across the race course without Coast Guard escort.

(3) The sponsor shall anchor race committee boats on each turn. Checkpoints shall be positioned so that race participants will pass no closer than 200 feet from the I.C.W. A line of committee boats shall be positioned to separate the race course from the I.C.W.

(4) Spectator vessels must be at anchor within a designated spectator area or moored to a waterfront facility within the regulated area in such a way that they shall not interfere with mariners transiting the Intercoastal Waterway. The spectator fleet shall be held behind buoys or committee boats provided by the sponsor in the following areas:

(i) Between the race course and the I.C.W. in the area to the west of the race course.

(ii) Between the race course and Island Beach State Park in the area north of Tices Shoal.

(5) All persons and vessels shall comply with the instructions of U.S. Coast Guard patrol personnel. Upon hearing five or more blasts from a U.S. Coast Guard vessel, the operator of a vessel shall stop immediately and proceed as directed. U.S. Coast Guard patrol personnel include commissioned, warrant and petty officers of the Coast Guard. Members of the Coast Guard Auxiliary may be present to inform vessel operators of this regulation and other applicable laws.

(6) For any violation of this regulation, the following maximum penalties are authorized by law:

(i) \$500 for any person in charge of the navigation of a vessel.

(ii) \$500 for the owner of a vessel actually on board.

(iii) \$250 for any other person.

(iv) Suspension or revocation of a license for a licensed officer.

(33 U.S.C. 1233; 49 U.S.C. 108; 49 CFR 1.46(b) and 33 CFR 100.35)

Dated: July 19, 1984.

P. A. Yost,
Vice Admiral, U.S. Coast Guard Commander,
Third Coast Guard District.

[FR Doc. 84-19759 Filed 7-25-84; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 100

[CGD 09-84-14]

Special Local Regulations: LSCORA Downriver Offshore Classic

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: Special local regulations are being adopted for the LSCORA Downriver Offshore Classic. This event will be held on the Detroit River on 28 July 1984 from 10:00 AM (EDT) until 2:00 PM with a rain date of 29 July 1984. The regulations are needed to provide for the safety of life on navigable waters during the event.

EFFECTIVE DATES: These regulations become effective on 28 July 1984 and terminate on 29 July 1984.

FOR FURTHER INFORMATION CONTACT: MSTC Cary H. Lindsay, Office of Search and Rescue, Ninth Coast Guard District, 1240 E 9th St., Cleveland, OH 44199, (216) 522-4420.

SUPPLEMENTARY INFORMATION: A notice of proposed rule making has not been published for these regulations. Following normal rule making procedures is unnecessary as per U.S.C. 553(b)(3)(B), since this is a temporary regatta regulation. This has been an annual event for many years and no negative comments have been received concerning the holding of the event in the past.

Drafting Information

The drafters of this regulation are MSTC Cary H. Lindsay, project officer, Office of Search and Rescue and LCDR A. R. Butler, project attorney, Ninth Coast Guard District Legal Office.

Discussion of Regulations

The Lake St. Clair Offshore Racing Association's 3rd Annual Southshore Classic will be conducted on the Detroit River on 28 July 1984. This event will have an estimated 20-30 high performance ocean racers which could pose hazards to navigation in the area. Vessels desiring to transit the regulated area may do so only with prior approval of the Patrol Commander (Officer-in-Charge, U.S. Coast Guard Station, Belle Isle, MI).

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

PART 100—[AMENDED]

Regulations

In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations, is amended by adding a temporary section 100.35-0914 to read as follows:

§ 100.35-0914

(a) *Regulated Area:* That portion of the Detroit River in U.S. waters north of a line from Hickory Island to Celeron Island to Horse Island up to a line extending from Pt. Hennepin to Grassy Island to Mud Island, then along the north side of the Ecorse Channel to Mud Island Junction Lighted Buoy (LLNR 974) thence due west to shore. Also, the Fighting Island Channel from the Mud Island Junction Lighted Buoy (LLNR 974) south to where the course leaves the channel at approximately 42 degrees 11.2 minutes North, thence on a bearing of 206 degrees true and 200 yards wide to a point at 42 degrees 10.65 minutes North, thence on a bearing of 160 degrees true to the International Boundary. The Livingstone Channel from 42 degrees 08 minutes North to 42 degrees 06.5 minutes North. Also, from the International Boundary at 42 degrees 04 minutes North northwest on a bearing of 312 degrees true 200 yards wide to the previously mentioned line from Hickory Island to Celeron Island to Horse Island.

(b) *Special Local Regulations:*

(1) The above area will be closed to recreational vessel navigation or anchorage from 10:00 AM (EDT) until 2:00 PM, or until the completion of the race.

(2) No vessel shall anchor in or around the main shipping channel of the Detroit River, Trenton Channel, nor shall any spectator craft interfere with the free passage of commercial traffic in the main fairways of the Detroit River.

(3) Recreational vessels desiring to transit the restricted area may do so only with prior approval of the Patrol Commander and when so directed by that officer. Vessels will be operated at a no wake speed to reduce the wake to a minimum and in a manner which will not endanger participants in the event or any other craft. These rules shall not apply to participants in the event or vessels of the patrol, in the performance of their assigned duties.

(4) A succession of sharp, short signals by whistle or horn from vessels patrolling the areas under the direction of the U.S. Guard Patrol Commander shall serve as a signal to stop. Vessels signaled shall stop and shall comply with the orders of the Patrol Vessel;

failure to do so may result in expulsion from the area, citation for failure to comply, or both.

(5) This section is effective from 10:00 AM (EDT) on 28 July 1984 until 2:00 PM on 29 July 1984.

(46 U.S.C. 454; 49 U.S.C. 1655(b); 49 CFR 1.46(b); and 33 CFR 100.35)

Dated: July 19, 1984.

B. K. Schaeffer,

Captain, U.S. Coast Guard, Acting Commander, Ninth Coast Guard District.

[FR Doc. 84-19760 Filed 7-25-84; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 117

[CGD13 84-12]

Drawbridge Operation Regulations; Duwamish Waterway, Washington

AGENCY: Coast Guard, DOT.

ACTION: Temporary rule.

SUMMARY: The Coast Guard is temporarily changing the regulations governing the operation of the highway drawbridge across the Duwamish West Waterway at Southwest Spokane Street and the highway drawbridge across the Duwamish Waterway at First Avenue South, both in Seattle, Washington, by decreasing the three hour morning and evening closed periods by one hour each. This change will provide that the draws of these bridges need not open for the passage of vessels of less than 5,000 tons between the hours of 6:30 a.m. and 8:30 a.m. and between 3:45 p.m. and 5:45 p.m., Monday through Friday, except for federal holidays. This change is being made because the opening to traffic of all lanes of the new West Seattle Freeway bridge is expected to reduce vehicular traffic on both the Southwest Spokane Street and First Avenue South bridges. Since this action will accommodate the anticipated needs of vehicular traffic and reduce the burden of lengthy closed periods on marine traffic, its impact is expected to be minimal. This action will allow the Coast Guard time to evaluate the effects of the temporary change before proposing a permanent change.

EFFECTIVE DATE: This rule becomes effective upon the full opening to traffic of the new West Seattle Freeway bridge, but in no event later than August 1, 1984, and will terminate on September 29, 1984, or sixty days from the effective date, whichever occurs sooner.

FOR FURTHER INFORMATION CONTACT:

John E. Mikesell, Chief, Bridge Section, Aids to Navigation Branch (Telephone: (206) 442-5864).

SUPPLEMENTARY INFORMATION:**Drafting Information**

The drafters of this notice are: John E. Mikesell, project officer, and Lieutenant Aubrey W. Bogle, project attorney.

Economic Assessment and Certification

These temporary deviations to regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be major rules. They are considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5-22-80). An economic evaluation has not been conducted since its impact is expected to be minimal. In accordance with section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 605(b)), it is certified that these rules will not have a significant economic impact on a substantial number of small entities.

Discussion of Temporary Rule

Since 1978 when the northernmost of the two Spokane Street bridges across the Duwamish West Waterway was struck by a vessel and subsequently removed, three hour morning and evening closed periods have been in effect for the remaining Spokane Street bridge and the First Avenue South bridge. Prior to that time two hour closed periods had been in effect. Extending the two hour closed periods to three hours and eliminating closed period exemptions for vessels of 5,000 tons and over was necessary to accommodate the increase in peak hour vehicular flows caused by the elimination of the four travel lanes of the damaged bridge.

A new high level fixed span bridge has been constructed over the Duwamish waterway and will soon have all of its six lanes open to vehicular traffic. Navigation interests who use the Duwamish Waterway have requested the Coast Guard to reduce the length of the closed periods once the high level bridge is fully open to traffic. The six lanes of the high level bridge and the four lanes of the existing Spokane Street bridge provide ten lanes for vehicular traffic in the Spokane Street corridor. This is two more than existed before the 1978 accident which resulted in removal of the northernmost Spokane Street bridge. The six lanes of the high level bridge will provide for unobstructed traffic flow between West Seattle and Seattle. The four lanes of the Spokane Street bridge primarily will provide access from the west to the businesses on Harbor Island. This

temporary rule will grant some relief to waterway users from the restrictions imposed by lengthy closed periods. While the temporary rule is in force, the Coast Guard will evaluate its effect and the effect of the new bridge on vehicular traffic patterns before proposing a permanent rule change.

List of Subjects in 33 CFR Part 117

Bridges.

Temporary Regulations

In consideration of the foregoing, Part 117 of Title 33 Code of Federal Regulations, is amended by revising § 117.1041(a) to read as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS**§ 117.1041 Duwamish Waterway.**

* * * * *

(a) * * *

(1) The draws of the Southwest Spokane Street bridge, mile 0.3, and the First Avenue South bridge, mile 2.5, need not be opened for the passage of vessels from 6:30 a.m. to 8:30 a.m. and 3:45 p.m. to 5:45 p.m., Monday through Friday, except Federal holidays. However, the draws shall open at any time for a vessel of 5,000 tons or more.

* * * * *

(33 U.S.C. 499; 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5); 33 CFR 1.05-1(g)(3); 33 CFR 117.43)

Dated: July 9, 1984.

H. W. Parker,

Rear Admiral, U.S. Coast Guard Commander,
13th Coast Guard District.

[FR Doc. 84-19758 Filed 7-25-84; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 271**

[SW-3-FRL 2638-3]

Hazardous Waste Management Program; West Virginia Request for Extension of Phases I and II, Components A and B, Interim Authorization

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of extension of Phases I and II, Components A and B, Interim Authorization period.

SUMMARY: The State of West Virginia recently requested a further extension beyond the July 26, 1984 deadline, previously granted, for continued approval of their Phases I and II, Components A and B, Interim Authorization under the Resource

Conservation and Recovery Act (RCRA), as amended (48 FR 33870, July 26, 1983). EPA is granting the requested extension. The extension avoids termination on July 26, 1984, of Phase I and Phase II, Components A and B, Interim Authorization which EPA previously granted to West Virginia. I am now extending to January 26, 1985 the date by which West Virginia must receive final authorization. If the State does not receive final authorization by that date, the program will revert to EPA until final authorization is granted.

EFFECTIVE DATE: July 26, 1984.

FOR FURTHER INFORMATION CONTACT: Anthony J. Donatoni, Chief, State Programs Section, Environmental Protection Agency, Region III, Sixth & Walnut Streets, Philadelphia, PA 19106. Telephone: (215) 597-7370.

SUPPLEMENTARY INFORMATION:**Background**

40 CFR 271.122(c)(4) (formerly § 123.122(c)(4); 47 FR 32377, July 26, 1982) requires that States which have received any, but not all, Phases/Components of Interim Authorization amend their original submissions by July 26, 1983, to include all Components of Phase II. Further, 40 CFR 271.137(a) (formerly § 123.137(a); 47 FR 32378, July 16, 1982) provides that on July 26, 1983, Interim Authorizations terminate except where the State has submitted by that date an application for all Phases/Components of Interim Authorization. Where the authorization (approval) of the State program terminates, EPA is to administer and enforce the Federal program in that State. However, the Regional Administrator may, for good cause, extend the July 26, 1983 deadline for the submission of the Interim Authorization application, and the deadline for termination of the EPA approved State program. Such a decision was rendered and appeared at 47 FR 33870, July 26, 1983.

Extension of the approved State program was to coincide with a deadline for submission of the State's complete application for Final Authorization (July 26, 1984).

Note.—40 CFR Part 123, including the July 26, 1982 amendments (47 FR 32373), was recodified on April 1, 1983 as 40 CFR Part 271 (48 FR 14248).

West Virginia received Phase I and II, Components A and B, Interim Authorization on March 28, 1984. The portion of the program covered by Phase II Component C is being applied for as part of the State's application for Final Authorization. The State's submitted a

draft application for Final Authorization on March 30, 1984. Because of EPA comments generated on this review, the State is making good faith efforts to address the comments as program changes.

Decision

In consideration of West Virginia's continued efforts to obtain the necessary regulations to obtain Final Authorization, the immediate reversion of the Phase I and II, Components A and B, Interim Authorization is not in the best interest of the State, this Agency, the regulated community, or the citizens of West Virginia. I, therefore, find good cause to grant the State's request for a further extension beyond the July 26, 1984 deadline previously granted. If the State fails to receive Final Authorization by January 26, 1985, the EPA approved program will terminate automatically and administration of the RCRA hazardous waste management program will revert to EPA.

Compliance With Executive Order 12291: The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Certification Under the Regulatory Flexibility Act: Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this extension will not have a significant economic impact on a substantial number of small entities. The extension effectively suspends the applicability of certain Federal regulations in favor of West Virginia's program, thereby eliminating duplicative requirements for handlers of hazardous waste in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 271

Hazardous materials, Indian lands, Reporting and recordkeeping requirements, Waste treatment and disposal, Intergovernmental relations, Penalties, Confidential business information.

Authority: This notice is issued under the authority of section 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. 6912(a), 6926 and 6974(b).

Dated: July 19, 1984.

Alvin A. Morris,

Acting Regional Administrator.

[FR Doc. 84-19746 Filed 7-25-84; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 80, 81, 82, 83, 225, and 401

Audits for Grant Programs

AGENCY: Fish and Wildlife Service, Interior; and National Marine Fisheries Service, Commerce.

ACTION: Final rule; clarification and correction.

SUMMARY: The Services amend the rules for participation in their grant-in-aid programs to make specific reference to the existing audit requirement contained in Attachment P of Office of Management and Budget (OMB) Circular A-102. The purpose of this clarification is to emphasize that State agencies, as recipients of grants under programs administered by the Services, must comply with the audit provisions of Attachment P. Section 81.1 is corrected by renumbering the paragraphs to eliminate a previous error in codifying two paragraphs under "(m)". Parts 81 and 225 are further amended to reflect the statutory increase in the maximum Federal share payable for State endangered species programs qualifying for Federal assistance.

EFFECTIVE DATE: These rules are effective July 26, 1984.

FOR FURTHER INFORMATION CONTACT: Robert N. Bartel, Division of Federal Aid, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703-235-1526).

SUPPLEMENTARY INFORMATION: The U.S. Fish and Wildlife Service (FWS) administers Federal aid programs for fish and wildlife restoration, endangered and threatened species conservation, marine mammal protection and conservation, and nongame fish and wildlife conservation under the general regulations contained in 50 CFR Parts 80, 81, 82, and 83, respectively. The FWS and National Marine Fisheries Service (NMFS) jointly administer Federal aid programs for anadromous fish conservation under regulations issued by both Services contained in 50 CFR Part 401. The NMFS also administers Federal aid programs for endangered and threatened species for which they have primary management responsibility in Part 225. In October 1979, OMB Circular A-102 was revised to add a new Attachment P, "Audit Requirements." The attachment set forth

audit rules for State and local governments (and Indian tribal governments) receiving Federal assistance. This attachment was issued to each State fish and wildlife agency, as a supplement to the FWS Federal Aid Manual. In addition, the Manual (section 5.11) contains specific reference to the audit requirements of Attachment P. However, at the request of OMB, the Services are revising their Federal aid rules to specifically include the requirement for grantee audits in accordance with Attachment P to ensure conformance to the single audit requirements by grantees.

This action also corrects an error in the paragraph numbering for 50 CFR 81.1. Section 81.1 provides definitions applicable to Part 81 and was amended incorrectly on May 31, 1979 by adding a second paragraph "(m)".

Additionally, §§ 81.8(a) and 225.9(a) are updated to reflect the 1982 amendments to the Endangered Species Act regarding the maximum share of Federal Aid programs under section 6 of the Act payable by the Government. The amendments increased the amount allowable from 66% percent to 75 percent for individual State programs and for multiple State programs the Federal share was increased from 75 percent to 90 percent.

This document corrects section 81.1 by redesignating the second paragraph "(m)" to "(n)," and paragraphs "(n)" and "(o)" to "(o)" and "(p)", respectively; updates section 81.8(a) to reflect the current statutory share of Federal payments for qualifying State endangered species programs; and adds new sections 80.22, 81.15, 82.14(b), 83.21, and 401.23 to highlight Attachment P requirements already contained in the existing regulations. Because these actions involve only administrative management procedures, the notice and public procedure provisions of 5 U.S.C. 553(b) are unnecessary and impracticable. For the same reasons, the effective date of this rule is immediately upon publication—the provisions of the clarification and text of the correction have been in effect since 1979, and the increased Federal aid share provisions became effective with the Fiscal Year 1983 allocations. Since these actions are administrative in nature, for reader convenience and understanding, and no new rules are being promulgated, they are not rules as defined in Executive Order 12291 or the Regulatory Flexibility Act, 5 U.S.C. 601, and the provisions of these documents are not applicable. These actions do not contain information collection requirements that

require Office of Management and Budget approval under 5 CFR 1320.

The primary authors of this document are Robert N. Bartel and James E. Pinkerton of the U.S. Fish and Wildlife Service.

Lists of Subjects

50 CFR Part 80

Fish, Grant programs—natural resources, Grants administration, Wildlife.

50 CFR Part 81

Endangered and threatened wildlife, Fish, Grant programs—natural resources, Grants administration, Plants (agriculture).

50 CFR Part 82

Grant programs—natural resources, Grants administration, Marine mammals.

50 CFR Part 83

Fish, Grant programs/natural resources, Grants administration, Wildlife.

50 CFR Part 225

Endangered and threatened species, Grant programs/natural resources, Intergovernmental relations.

50 CFR Part 401

Fish, Fisheries, Grant programs/business.

Accordingly, Parts 80, 81, 82, 83, 225, and 401 of 50 CFR are amended as described below.

PART 80—[AMENDED]

1. The authority for 50 CFR Part 80 reads as follows:

Authority: Federal Aid in Fish Restoration Act (16 U.S.C. 777i) and Federal Aid in Wildlife Restoration Act (16 U.S.C. 669i).

2. 50 CFR Part 80 is amended by adding a new section 80.22 to read as follows:

§ 80.22 Audits.

The State is required to conduct an audit at least every two years in accordance with the provisions of Attachment P of OMB Circular A-102. Failure to conduct audits as required may result in withholding of grant payments or such other sanctions as the Secretary may deem appropriate.

PART 81—[AMENDED]

3. The authority for 50 CFR Part 81 reads as follows:

Authority: Endangered Species Act of 1973, section 6(h) 87 Stat. 884, 16 U.S.C. 1531-43, Pub. L. 93-205.

§ 81.1 [Amended]

4. 50 CFR Part 81 is amended in section 81.1 by redesignating paragraph "(m)", titled "Act" as paragraph "(n)", and paragraphs "(n)", and "(o)", as paragraphs "(o)" and "(p)", respectively.

5. 50 CFR Part 81 is further amended by revising section 81.8(a) to read as follows:

§ 81.8 Payments.

* * * * *

(a) Federal payments under the Act shall not exceed 75 percent of the program costs as stated in the agreement; except, the Federal share may be increased to 90 percent when two or more States having a common interest in one or more endangered or threatened species, the conservation of which may be enhanced by cooperation of such States, enter jointly into an agreement with the Secretary.

* * * * *

6. 50 CFR Part 81 is amended by adding a new section 81.15 to read as follows:

§ 81.15 Audits.

The State is required to conduct an audit at least every two years in accordance with the provisions of Attachment P of OMB Circular A-102. Failure to conduct audits as required may result in withholding of grant payments or such other sanctions as the Secretary may deem appropriate.

7. The authority for 50 CFR Part 82 reads as follows:

Authority: 16 U.S.C. 1361-1407, 86 Stat. 1027.

PART 82—[AMENDED]

8. 50 CFR Part 82.14 is amended by designating the existing text as paragraph (a), and adding a new paragraph (b) to read as follows:

§ 82.14 Inspections and audit.

* * * * *

(b) The State is required to conduct an audit at least every two years in accordance with the provisions of Attachment P of OMB Circular A-102. Failure to conduct audits as required may result in withholding of grant payments or such other sanctions as the Secretary may deem appropriate.

PART 83—[AMENDED]

9. The authority for 50 CFR Part 83 reads as follows:

Authority: The Fish and Wildlife Conservation Act of 1980, 16 U.S.C. 2901.

10. 50 CFR Part 83 is amended by adding a new section 83.21 to read as follows:

§ 83.21 Audits.

The State is required to conduct an audit at least every two years in accordance with the provisions of Attachment P of OMB Circular A-102. Failure to conduct audits as required may result in withholding of grant payments or such other sanctions as the Secretary may deem appropriate.

PART 225—[AMENDED]

11. The authority for 50 CFR Part 225 reads as follows:

Authority: Endangered Species Act of 1973, 87 Stat. 884, 16 U.S.C. 1531-1543, Pub. L. 93-205.

12. 50 CFR Part 225 is amended by revising section 225.9(a) to read as follows:

§ 225.9 Payments.

* * * * *

(a) Federal payments under the Act shall not exceed 75 percent of the program costs as stated in the agreement; except, the Federal share may be increased to 90 percent when two or more States having a common interest in one or more endangered or threatened resident species, the conservation of which may be enhanced by cooperation of such States, jointly enter into an agreement with the Director.

* * * * *

PART 401—[AMENDED]

13. The authority for 50 CFR Part 401 reads as follows:

Authority: Anadromous Fish Conservation Act (79 Stat. 1125, as amended, 84 Stat. 214, 88 Stat. 398), 16 U.S.C. 757a-757f.

14. 50 CFR Part 401 is amended by adding a new § 401.23 to read as follows:

§ 401.23 Audits.

The State is required to conduct an audit at least every two years in accordance with the provisions of Attachment P of OMB Circular A-102. Failure to conduct audits as required may result in withholding of grant payments or such other sanctions as the Secretary may deem appropriate.

Dated: April 5, 1984.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

Dated: April 5, 1984.

Carmen J. Blondin,

Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.

[FR Doc. 84-18389 Filed 7-25-84; 8:45 am]

BILLING CODE 4310-55-M

Proposed Rules

Federal Register

Vol. 49, No. 145

Thursday, July 26, 1984

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM79-76-230 (West Virginia—4)]

High-Cost Gas Produced From Tight Formations

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432 (Supp. V. 1981), to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risk or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703 (1983)). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This notice of proposed rulemaking by the Director of the Office of Pipeline and Producer Regulation contains the recommendation of the State of West Virginia Office of Oil and Gas that the Berea Sandstone, "Second Berea" zone, and "Gordon" zone be designated as tight formations under § 271.703(d).

DATE: Comments on the proposed rule are due in September 6, 1984.

Public Hearing: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on August 7, 1984.

ADDRESS: Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street, NE, Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8511, or Walter Lawson, (202) 357-8556.

SUPPLEMENTARY INFORMATION:

I. Background

On May 29, 1984, the State of West Virginia Office of Oil and Gas (West Virginia) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's regulations (18 CFR 271.703 (1983)), that the Berea Sandstone and "Second Berea" zone of the Pocono Group and the "Gordon" zone of the Hampshire Group in west-central West Virginia, be designated as tight formations. This Notice of Proposed Rulemaking is issued under § 271.703(c)(4) to determine whether West Virginia's recommendation that the Berea Sandstone, "Second Berea" zone, and "Gordon" zone be designated as tight formations should be adopted. West Virginia's recommendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of Recommendation

West Virginia recommends that the Berea Sandstone and "Second Berea" zone of the Pocono Group of Mississippian age and the "Gordon" zone of the Hampshire Group of Devonian age, located in certain areas of Jackson, Mason, and Wood Counties, West Virginia, be designated as tight formations. The total area covered by this recommendation is approximately 1,276.5 square miles. [A more detailed description of the recommended area and the excluded area is contained in the recommendation on file with the Commission.]

The Berea Sandstone and "Second Berea" zone are basal members of the Pocono Group of early Mississippian age. The Berea Sandstone lies immediately below the Sunbury Shale or "Coffee Shale" of the Pocono Group. It is separated from the underlying "Second Berea" zone by approximately 25 feet of Bedford Shale. The Berea Sandstone is light grey to white, fairly well sorted sandstone, ranging in thickness from zero to 25 feet. The source area of the sediments comprising the Berea Sandstone is from the east. The "Second Berea" zone overlies a grey to light brown shale section of the Hampshire Group of Devonian Age. The

"Second Berea" zone is a light grey, well sorted sandstone with intertongues of marine shales and silts, ranging in thickness from zero to 30 feet. The source area of the sediments comprising the "Second Berea" zone is from the north by the Bedford Delta. Depths to the Berea Sandstone and "Second Berea" zone range from 1,500 feet in western Mason County to over 2,700 feet in eastern Jackson County.

The "Gordon" zone is a member of the Hampshire Group of Devonian age. The "Gordon" zone lies approximately 350 feet below the base of the Berea Sandstone and is separated from it by a grey to light brown shale. The "Gordon" zone overlies the "Brown Shale" zone of Devonian age and is characterized by interbedded sands, silts and shales ranging in thickness from 20 to 30 feet. Depths to the "Gordon" zone range from 2,538 feet in Wood County to 2,852 feet in Jackson County.

III. Discussion of Recommendation

West Virginia claims in its submission that evidence gathered and presented in support of this recommendation demonstrates that:

(1) The average *in situ* gas permeability throughout the pay section of the proposed area is not expected to exceed 0.1 millidarcy;

(2) The stabilized production rate, against atmospheric pressure, of wells completed for production from the recommended formation, without stimulation, is not expected to exceed the maximum lawful allowable production rate set out in § 271.703(c)(2)(i)(B); and

(3) No well drilled into the recommended formation is expected to produce more than five (5) barrels of oil per day.

West Virginia further asserts that existing state law and established casing procedures assure protection of all fresh water zones.

Accordingly, under the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, [Reg. Preambles 1977-1981] FERC Stats. and Regs. ¶30,180 (1980), the Director gives notice of the proposal submitted by West Virginia that the Berea Sandstone, "Second Berea" zone, and "Gordon" zone, as described and delineated in West Virginia's recommendation filed

with the Commission, be designated as tight formations under § 271.703.

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before September 6, 1984. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79-76-230 (West Virginia-4), and should give reasons including supporting data for any recommendations. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C., during business hours.

Any persons wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing that they wish to make an oral presentation and so request a public hearing. The person shall specify the amount of time requested at the hearing, and should file the request with the Secretary of the Commission no later than August 7, 1984.

List of Subjects in 18 CFR Part 271

Natural gas, Incentive price, Tight formations.

Accordingly, the regulations in Part 271, Subchapter H, Chapter I, Title 18, Code of Federal Regulations, will be amended as set forth below, in the event the Commission adopts West Virginia's recommendation.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

PART 271—[AMENDED]

Section 271.703 is amended as follows:

1. The authority citation for Part 271 reads as follows:

Authority: Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*; Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432; Administrative Procedure Act, 5 U.S.C. 553.

2. Section 271.703 is amended by adding paragraph (d)(202) as follows:

§ 271.703 Tight formations.

(d) *Designated tight formations.* * * *
(168) through (201) [Reserved]

(202) *The Berea Sandstone and "Second Berea" zone of the Pocono Group and the "Gordon" zone of the Hampshire Group in West Virginia.* RM79-76-230 (West Virginia-4)

(i) *Delineation of formation.* The Berea Sandstone, "Second Berea" zone, and "Gordon" zone underlie portions of Jackson, Mason, and Wood Counties. The Berea Sandstone lies immediately below the Sunbury Shale and the "Gordon" zone lies above the "Brown Shale" zone.

(ii) *Depth.* The average depth to the top of the Berea Sandstone and "Second Berea" zone ranges from 1,500 feet in western Mason County to over 2,700 feet in eastern Jackson County. The average depth to the top of the "Gordon" zone ranges from 2,538 feet in Wood County to 2,852 feet in Jackson County.

[FR Doc. 84-19815 Filed 7-25-84; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 201

[Docket No. 84N-0239]

Open Meeting; Public Discussion on Draft Guideline for Veterinary Prescriptions and Other Orders

AGENCY: Food and Drug Administration.

ACTION: Notice of meeting.

SUMMARY: The Food and Drug Administration (FDA) will hold an open meeting to discuss certain aspects of the dispensing of those veterinary drugs that are permitted to be used only by or on the prescription or other order of a licensed veterinarian. To stimulate comment, a draft guideline on this subject is set forth in this notice.

DATES: The open meeting will be held on August 22, 1984, from 9 a.m. to 3 p.m. Requests for time to make formal presentations at the meeting should be submitted by August 15, 1984. Written comments should be submitted by September 30, 1984.

ADDRESSES: The open meeting will be held at the Parklawn Building, Conference Room G, 5600 Fishers Lane, Rockville, MD 20857. Persons wishing to make formal presentations on the draft guideline should submit requests for time to Gary Dykstra, Center for Veterinary Medicine (HFV-201), Food

and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857. Written comments should be submitted to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Gary Dykstra, Center for Veterinary Medicine (HFV-201), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3400.

SUPPLEMENTARY INFORMATION: On August 22, 1984, FDA will hold an open meeting to discuss certain aspects of the dispensing of veterinary drugs that are restricted to use by or on the prescription or other order of a licensed veterinarian. The meeting is being held under 21 CFR 10.65(b).

Adequate direction for lay use cannot be written for certain veterinary drugs. Therefore, to assure that such drugs can be used safely and effectively, they are required to be sold only to or on the prescription or other order of a licensed veterinarian (21 CFR 201.105), and the labeling must bear certain information at the time of its retail delivery (21 CFR 201.110). Such drugs are hereafter referred to as prescription veterinary drugs.

Whether a veterinarian writes a prescription or other order requesting the dispensing of drugs to his or her client, the intended purpose is to assure the safe and effective use of the drug under the supervision of the veterinarian. The agency has interpreted the word "prescription" to apply only to the practitioner's direction to a pharmacist. Because many States authorize persons other than pharmacists to dispense prescription drugs on a veterinarian's instructions, the term "other order" is used when instructions are for a legally authorized dispenser who is not a pharmacist. In either case the instructions and their intent are the same.

FDA has taken regulatory action during recent years to stop illegal distribution and sale of prescription veterinary drugs. Regulatory action has been taken when such products have been sold to lay individuals without a valid prescription or other order of a veterinarian. Use of prescription veterinary drugs in this way can adversely affect the health of the animals being treated and can lead to drug residues in meat, milk, and eggs. To assure that the intent of the regulations is followed consistently, FDA believes that guidance is required as to: (1) The procedures to be followed when a drug is prescribed, ordered, or dispensed by a

veterinarian; (2) the content of prescriptions and other orders; and (3) the content of the labeling of veterinary prescription drugs at the time of retail delivery.

For these reasons, the agency has developed the following draft guideline that interprets 21 CFR 201.105 and 201.110 by explaining in detail what FDA expects from veterinarians, pharmacists, and others who dispense prescription veterinary drugs:

Draft Guideline for the Dispensing of Prescription Veterinary Drugs

A. Purpose

To provide uniform guidance to practitioners and dispensers of veterinary drugs regarding: (1) The procedures to be followed when a drug is prescribed, ordered, or dispensed by a veterinarian; (2) the content of prescriptions and other orders; and (3) the content of the labeling of prescription veterinary drugs at the time of retail delivery.

B. Dispensing Procedures

Veterinarians often find it necessary or desirable to have their clients administer prescription veterinary drugs after diagnosis has been accomplished. The veterinarian may, therefore, dispense the drugs to the client. Alternatively, the veterinarian may issue a written or verbal prescription to be filled by a pharmacist, or a written or verbal order to be filled by an authorized veterinary drug distributor. The pharmacist or distributor will, in turn, dispense the drugs to the client. If the prescription or other order is transmitted verbally, it should be reduced to writing both by the veterinarian and the dispenser as soon after the communication as possible. If the prescription or other order is written, the veterinarian should keep a record of it in his/her files, and the dispenser should keep a copy of the prescription or other order in his/her files. The veterinarian should also keep a record of drugs dispensed directly to the client.

C. Content of the Prescription or Other Order

The following information should be transmitted from the veterinarian to the dispenser:

1. Name and address of the veterinarian, and date.
2. Client's name and address.
3. Diagnosis of the condition to be treated.
4. Medication prescribed, including quantity, potency, number of refills, and specific directions for use. A checklist format should not be used.
5. Any necessary cautionary statements (including withdrawal times).
6. Any other requirements of State or local laws.

D. Content of the Dispensed Veterinary Prescription Drug Labeling

Section 201.110 (21 CFR 201.110) requires the following information to appear on the labeling of a dispensed veterinary drug upon retail delivery to the client:

1. Name and address of the veterinarian who prescribed or ordered the drug.

2. Directions for use.

3. Any necessary cautionary statements (including withdrawal times).

If the veterinarian dispenses the drug, he/she must assure that the foregoing information is on the labeling of the drug. If he/she issues a prescription or other order, he/she must inform the dispenser as to the information to be placed on the labeling. Any additional requirements of State or Local laws for dispensed veterinary drugs should also be followed.

In addition to the regulation's requirements, FDA recommends that the following information be included in the labeling to assist in investigating poisonings and other adverse reactions:

1. Serial number and date.
2. Expiration date.
3. Quantity of drug dispensed.
4. Active ingredients.

Any interested person may attend and participate in the meeting. Those persons wishing to make formal presentations should submit requests for time to Gary Dykstra (address above) by August 15, 1984.

Interested persons may, on or before September 30, 1984, submit written comments on the draft guideline to the Dockets Management Branch (address above). Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: July 19, 1984.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 84-19608 Filed 7-23-84; 3:02 p.m.]

BILLING CODE 4160-01-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1926

[Docket No. S-409]

Crane or Derrick Suspended Personnel Platforms; Change of Hearing Date

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice of change of date for hearing.

SUMMARY: On June 20, 1984, OSHA announced an informal public hearing

on proposed § 1926.550(g) (published in 49 FR 6280, February 17, 1984), of OSHA's construction industry standards (49 FR 25248). That hearing has been rescheduled from September 11, 1984 to September 18, 1984. The public is hereby reminded to comply with the procedures for written comments and for participation in the hearing that were contained in the June 20, 1984 Federal Register Notice.

DATES: Notices of intention to appear at the informal public hearing must be postmarked by July 27, 1984. Written comments must be postmarked by August 10, 1984. In addition, testimony and all evidence which will be introduced into the hearing record must also be postmarked by August 10, 1984. The hearing will begin at 9:30 a.m. on September 18, 1984, in Washington, D.C. and may continue for more than one day based on the number of notices of intention to appear which are received.

ADDRESSES: Four copies of the written comments must be submitted to the Docket Officer, Docket S-409, Room S6212, 200 Constitution Avenue, NW., Washington, D.C. 20210, Telephone (202) 523-7894.

Four copies of the notice of intention to appear, and testimony and documentary evidence which will be introduced into the hearing record, must be submitted to Mr. Tom Hall, U.S. Department of Labor, Occupational Safety and Health Administration, Division of Consumer Affairs, Room N3662, 200 Constitution Avenue, NW., Washington, D.C. 20210. Telephone (202) 523-8024.

The hearing will be held in the Auditorium, Frances Perkins Department of Labor Building, 200 Constitution Avenue, NW., Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT:

Mr. James Foster, Occupational Safety and Health Administration, Room N8637, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210. Telephone (202) 523-8151.

(Sec. 6, 84 Stat. 1593 (29 U.S.C. 655); Sec. 107, 83 Stat. 96 (40 U.S.C. 333); Secretary of Labor's Order No. 9-83 (48 FR 35736); 29 CFR Part 1911)

Signed at Washington, D.C. this 23rd day of July, 1984.

Robert A. Rowland,

Assistant Secretary of Labor.

[FR Doc. 84-19837 Filed 7-25-84; 8:45 am]

BILLING CODE 4510-26-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 147

[CGD11-84-01]

Establishment of Safety Zones Around Structures and Artificial Islands on the Outer Continental Shelf (OCS) and the Navigable Waters of the U.S.

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rule making; correction.

SUMMARY: On April 27, 1984 the Coast Guard published a notice of proposed rule making to establish safety zones around fixed structures on the Outer Continental Shelf (OCS) and in the navigable waters off southern California and establish regulations for navigation within such safety zones. The notice listed the latitude and longitude for four platforms to be installed on the OCS. However, the latitude position for PLATFORM HARVEST contained a typographical error. This document corrects the notice of proposed rule making to accurately depict the geographical position.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander R.S. Varanko (213) 590-2301.

SUPPLEMENTARY INFORMATION: On page 18128 of Volume 49 of the Federal Register § 147.1110(a) change the latitude position in the second column for PLATFORM HARVEST from "34-28-95N, 120-40-46.1W" to read 34-28-09.5N, 120-40-46.1W".

Dated: July 23, 1984.

C.M. Holland,

Captain, USCG, Executive Secretary, Marine Safety Council.

[FR Doc. 84-19781 Filed 7-25-84; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Parts 166 and 167

[CGD 84-021]

Port Access Routes, Northern Approach to Santa Barbara Channel

AGENCY: Coast Guard, DOT.

ACTION: Notice of study.

SUMMARY: The Coast Guard is undertaking a study of the potential vessel traffic density and the need for safe access routes in the northern approach to the Santa Barbara Channel, off of Central California. A new shipping safety fairway will be considered for this area. This study is being conducted in accordance with standards contained

in the Ports and Waterways Safety Act (PWSA) (Pub. L. 95-474; 33 U.S.C. 1223 and 1224). As a result of this study, new or modified shipping routing measures may be proposed in a future Federal Register. The results of this study could cause restrictions on the manner in which specific offshore areas leased after the date of this notice may be explored and developed.

DATE: Comments should be submitted to the Eleventh Coast Guard District by September 30, 1984.

ADDRESS: Commander, Eleventh Coast Guard District (mcs/CGD 84-021), Union Bank Building, 400 OceanGate, Long Beach, CA 90822.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Robert Varanko, telephone (213) 590-2301.

SUPPLEMENTARY INFORMATION: Specifically, the area to be examined during the study is in 3 segments.

Segment (1) is off the coast between Point Sal and Point Arguello, and is bounded by a line connecting the following geographical positions:

Latitude	Longitude
35°00'00" N.....	121°17'48" W.
34°30'45" N.....	121°00'20" W.
34°29'00" N.....	121°07'00" W.
35°00'00" N.....	121°25'00" W.

Segment (2) is a circular area off the coast of Point Arguello. The circle has a radius of four miles centered upon geographical position 34°27'18" N. Latitude, 121°02'30" W. Longitude.

Segment (3) is off the coast between Point Arguello and Point Conception, and is bounded by a line connecting the following geographical positions:

Latitude	Longitude
34°29'09" N.....	120°58'12" W.
34°22'20" N.....	120°29'42" W.
34°17'30" N.....	120°31'12" W.
34°24'33" N.....	120°59'00" W.

Port access routing needs in the area were previously studied between 1979 and 1981, and results were published on June 24, 1982, at 47 FR 27430. The following actions were taken on recommendations developed in that first study:

1. The Port Hueneme safety fairway was transferred from the Corps of Engineers to the Coast Guard in a final rule published on October 24, 1983, at 48 FR 49018.

2. The Traffic Separation Scheme (western approach) and precautionary area in the approach to Los Angeles/

Long Beach were permanently modified on January 1, 1984, and an amendment was adopted by the International Maritime Organization (IMO).

3. An amendment to adjust the existing traffic separation scheme in the Santa Barbara Channel has been given preliminary approval by the IMO. Adoption is expected during 1984, with implementation in 1985.

4. A proposal to establish a fairway within the precautionary area at Los Angeles/Long Beach will be pursued when details of other new fairways along the California Coast—including the results of the present study—are determined. A major fairway system along the northern California Coast was recommended by the Twelfth Coast Guard District in the results of its port access route study published on October 14, 1982, at 47 FR 46043.

5. A proposal to extend the Santa Barbara Channel TSS to the north and west through a new precautionary area was submitted to IMO in October 1982. The IMO Subcommittee on Safety of Navigation did not approve the extension on the grounds that there were not sufficient navigational aids for vessel position-fixing within the one mile wide traffic lanes fifteen to forty miles offshore.

The Coast Guard is conducting a new study in the area of Item 5 above to determine the most effective alternative to pursue in light of IMO's actions. Three primary alternatives will be studied:

(a) The possibility of resubmitting to IMO a plan to extend the Santa Barbara TSS westward to a new precautionary area off Point Arguello. The IMO subcommittee specifically states that the offshore lanes could be supported by aids located on future platforms in the vicinity of the lanes. The Coast Guard is aware of proposals to locate three structures in this area and will submit the details to the 30th session of the IMO Subcommittee on Safety of Navigation (tentatively scheduled for December 1984) to determine whether the extension will meet IMO requirements for a new TSS. Otherwise, the need for a safety fairway in this area will be considered. This alternative concerns segments (2) and (3) above.

(b) The need for a safety fairway to replace the proposed northward extension of the TSS between the new precautionary area and 35° N. latitude. If there are not sufficient aids to support this part of the extension, then it may be necessary to establish a safety fairway to guarantee an obstruction-free route to vessel traffic during a time of oil and gas development off of California. The

schedule of Outer Continental Shelf lease sales poses a potentially significant impact on navigation. This study is intended to determine the need for a fairway in the interval before more information is known about the intensity of development and the concentration of structures in an area of vessel traffic. The fairway would also permit the establishment of a TSS in later years as structures are located in the vicinity and a plan can be submitted to IMO. This alternative concerns segment (1) above.

c. The need for a fairway area (so-called "buffer" or safety zone) around TSS lanes. During the study, the Coast Guard will address the issue of whether surface structures should be absolutely prohibited within a certain distance along the outside of the extended TSS lanes. Such a prohibition would be accomplished with a safety fairway "buffer" of a certain dimension, such as 1000 meters. Before concluding the need for a safety fairway around a lane, the Coast Guard will consider the effectiveness of other existing controls which can be imposed when a structure's location near a TSS would threaten navigation safety. In order to evaluate this safety zone around traffic lanes, the study area is approximately one-half nautical mile wider than the originally proposed TSS announced on June 24, 1982 (47 FR 27430).

Study Policies

The actions to be taken as a result of this study cannot be specified at this time. However, the Coast Guard will be governed by certain policies which are emphasized here to assist those who wish to submit comments. These policies and intentions are based on Coast Guard experience in the areas of vessel traffic management, navigation, shiphandling, the effects of weather, and prior analysis of the traffic density in certain regions, as well as the mandates of the PWSA.

The PWSA directs that "in order to provide safe access routes for the movement of vessel traffic proceeding to or from ports * * * the Secretary shall designate necessary fairways and traffic separation schemes" in which the "paramount right of navigation over all other uses" shall be recognized. Before a designation can be made, the Coast Guard is required to "undertake a study of the potential traffic density and the need for safe access routes."

During the study, the Coast Guard is directed to consult with federal and state agencies and to "consider the views of representatives of the maritime community, port and harbor authorities or associations, environmental groups,

and other parties who may be affected by the proposed action."

The use conflicts which are of current concern in the areas to be studied involve three factors: the volume of opposing traffic flowing along certain traditional routes; fishing activity; and the present or potential placement of oil exploration and production facilities in or near traffic routes. The location of oil and gas exploration and development facilities in areas of heavy vessel traffic can be regulated by the establishment of shipping safety fairways. Opposing traffic can be managed by the establishment of a traffic separation scheme (TSS). A TSS is subject to adoption by the International Maritime Organization. In accordance with 33 U.S.C. 1223, The Coast Guard will "to the extent practicable, reconcile the need for safe access routes with the needs of all other reasonable uses of the area involved." If the Coast Guard determines that new routing measure designations are needed, a Notice of Proposed Rulemaking will be published. It is anticipated that the study will be concluded by January 31, 1985.

Dated: July 23, 1984.

T. J. Wojnar,

Rear Admiral, U.S. Coast Guard, Chief, Office of Navigation.

[FR Doc. 84-19756 Filed 7-25-84; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[OAR-FRL-2637-7]

Indiana State Implementation Plan; Extension of Comment Period

AGENCY: U.S. Environmental Protection Agency (USEPA).

ACTION: Proposed rulemaking, notice of extension of comment period.

SUMMARY: The USEPA is giving notice that the comment period for the notice of proposed rulemaking on Total Suspended Particulates (TSP) emissions limitations for Occidental Chemical Corporation (Corp.) alternative emission control program (bubble) published May 15, 1984 (49 FR 20518), has been extended to September 17, 1984. The USEPA is taking this action because an extension was requested by Occidental Chemical Corp.

DATE: Comments are now due on or before September 17, 1984.

ADDRESS: Uylaine E. McMahan, Regulatory Specialist (5AR-26), Air and Radiation Branch, U.S. Environmental

Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Uylaine E. McMahan, (312) 353-0396.

SUPPLEMENTARY INFORMATION: USEPA proposed rulemaking to disapprove a revision to the Indiana State Implementation Plan (SIP) for the Occidental Chemical Corporation. This notice was published on May 15, 1984 (49 FR 20518), and provided a 60 day period for public comment, i.e., until July 16, 1984. USEPA proposed to disapprove Occidental Chemical Corporation's fugitive bubble because the State provided insufficient information to assure that the SIP revision would ensure attainment and maintenance of the national ambient air quality standards for TSP.

Occidental Chemical Corporation requested that the comment period be extended an additional 60 days. Based on this request, USEPA is extending the comment period to September 17, 1984. This notice is issued under authority of sections 110, 172 and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7410 and 7502).

Date: July 17, 1984.

Valdas V. Adamkus,
Regional Administrator.

[FR Doc. 84-19745 Filed 7-25-84; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 122

[OW-FRL-2637-8]

Reconsideration of Effluent Limitations; Caribbean Rum Distilling

AGENCY: Environmental Protection Agency [EPA].

ACTION: Notice of decision.

SUMMARY: In response to requests from the Virgin Islands Rum Industries, Ltd. (VIRIL) and Puerto Rico Distillers, Inc. (PRD) for reconsideration of National Pollutant Discharge Elimination System (NPDES) effluent limitations for the discharge of rum distillery wastes, the United States Environmental Protection Agency (EPA) published notice in 47 FR 15368 on April 9, 1982 soliciting comments on whether it should grant or deny said requests for alternative effluent limitations. This comment period was subsequently extended until June 17, 1982.

SUPPLEMENTARY INFORMATION: EPA has reviewed the comments received in response to the above-referenced notice. On the basis of all available information, EPA has determined that the effluent limitations which the

requestors agreed to in 1979 are representative of the Best Practical Control Technology Currently Available (BPT) and the Best Conventional Pollutant Control Technology (BCT) for this industry. The request for reconsideration is therefore denied.

For record of decision or further information contact: Mr. James Rooney, Water Management Division, United States Environmental Protection Agency, Region II, 26 Federal Plaza, New York, New York 10278 (212) 264-2936. Mr. Weems Clevenger, Director, EPA Caribbean Office, Stop 8½ Ave. Fernandez Juncos, P.O. Box 792, San Juan, Puerto Rico 00502 (809) 725-7825. Richard T. Dewling,

Acting Regional Administrator.

[FR Doc. 84-19744 Filed 7-25-84; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 799

[OPTS-42056A; FRL-2637-5]

Methylolurea and Urea-Formaldehyde Resins; Advanced Notice of Proposed Rulemaking; Extension of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Advanced notice of proposed rulemaking; extension of comment period.

SUMMARY: EPA is extending the comment period for the advanced notice of propose rulemaking (ANPR) on methylolurea and urea-formaldehyde (UF) resins published in the *Federal Register* of May 21, 1984. The 45-day extension is in response to requests by the Formaldehyde Institute and O.M. Scott and Sons for additional time for comment.

DATE: Written comments on the ANPR should be submitted on or before September 4, 1984.

ADDRESS: Address written comments identified by the document control number [OPTS-42056] in triplicate to: TSCA Public Information Office (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St. SW., Rm. E-108, Washington, D.C. 20460.

The public record supporting this action is available for inspection in Rm. E-107 at the above address from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: Edward A. Klein, Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency Rm. E-543, 401 M St.

SW., Washington, D.C. 20460, Toll Free: (800-424-9065), In Washington, D.C.: (554-1404), Outside the U.S.A.: (Operator-202-554-1404).

SUPPLEMENTARY INFORMATION: EPA issued an advanced notice of proposed rulemaking, published in the *Federal Register* of May 21, 1984 (49 FR 21371), announcing EPA's tentative conclusion that health effects testing for urea-formaldehyde resins is warranted under section 4(a) of the Toxic Substances Control Act. EPA issued the ANPR to solicit information on the composition of UF resins and the criteria for selection of the test substances; to solicit data on exposure, environmental releases, health effects, chemical fate and environmental effects of UF resins; and to obtain comments on the testing EPA is considering proposing.

The Formaldehyde Institute has requested an extension of the comment period for the ANPR to complete a survey of current occupational exposure to UF resins for submission to the Agency in response to the ANPR. In addition, O.M. Scott & Sons has requested an extension of the comment period to allow time to review available data to provide a comprehensive response to the Agency. In response to these requests, the Agency is extending the comment period to September 4, 1984.

(Sec. 4, Pub. L. 94-469, 90 Stat. 2003; 15 U.S.C. 2601)

Dated: July 17, 1984.

Don R. Clay,

Director, Office of Toxic Substances.

[FR Doc. 84-19747 Filed 7-25-84; 8:45 am]

BILLING CODE 6560-50-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 105-55

Collection of Claims Owed the United States

AGENCY: General Services Administration.

ACTION: Notice of proposed rulemaking.

SUMMARY: The General Services Administration (GSA) proposes to promulgate regulations implementing the Debt Collection Act of 1982 (Pub. L. 97-365, 96 Stat. 1754). GSA is required by law to issue these regulations.

DATE: All comments must be in writing, and received on or before August 27, 1984.

Send comments to: David C. Fisher, Jr., Chief Counsel, General Services

Administration, 18th & F Streets, NW., Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: David C. Fisher, Jr., Office of General Counsel (LG), 202-566-1460.

SUPPLEMENTARY INFORMATION: This subpart provides procedures for the General Services Administration to collect, compromise, or terminate collection action on claims owed to the United States arising from activities under GSA jurisdiction. It implements the Federal Claims Collection Act (31 U.S.C. 3701-3719) as amended by the Debt Collection Act of 1982 (Pub. L. 97-365, 96 Stat. 1754). It supplements the regulations published jointly by the General Accounting Office and the Department of Justice (4 CFR Parts 101-105).

This subpart sets forth procedures by which GSA:

- (a) will collect claims owed to the United States;
- (b) will determine and collect interest and other charges on those claims;
- (c) will compromise claims, and
- (d) will refer unpaid claims for litigation.

List of Subjects in 41 CFR 105-55

Disclosures and referrals, Credit reports, Claims.

GSA proposes a new Part 105-55 as follows:

PART 105-55—COLLECTION OF CLAIMS OWED THE UNITED STATES

Sec.

- 105-55.001 Background.
 - 105-55.002 Purpose.
 - 105-55.003 Applicability.
 - 105-55.004 Demand for payment.
 - 105-55.005 Interest, administrative charges, and penalty charges.
 - 105-55.006 Responsibility for collection.
 - 105-55.007 Collection by offset.
 - 105-55.008 Settlement of claims.
 - 105-55.009 Referral for litigation.
 - 105-55.010 Disclosure of consumer reporting agencies and referrals to collection agencies.
 - 105-55.011 Credit report.
- Authority: 31 U.S.C. 3701-3719; Pub. L. 97-365, 96 Stat. 1754.

§ 105-55.001 Background.

The Department of Justice and the General Accounting Office have jointly issued amended Federal Claims Collection Standards (4 CFR Parts 101-105) which reflect changes to the Federal Claims Collection Act of 1966 (31 U.S.C. 3701-3719) made by the passage of the Debt Collection Act of 1982 (Pub. L. 97-365, 96 Stat. 1754). The preamble to the amended Federal Claims Collection Standards instructs individual agencies

to adopt their own regulations as to detailed procedures in furtherance of the Federal Claims Collection Standards. Additionally, the Debt Collection Act of 1982 directs, as reflected in the Federal Claims Collection Standards, that each agency must prescribe regulations on collecting by administrative offset and that each agency may prescribe regulations identifying circumstances appropriate to waive collection of interest and charges in conformity with the Federal Claims Collection Standards.

§ 105-55.002 Purpose.

In keeping with the suggestion in the preamble to the amended Federal Claims Collection Standards and the directives in the Debt Collection Act of 1982 and the Federal Claims Collection Standards as to administrative offset and the collection of interest and charges, this subpart provides procedures for the General Services Administration to collect, compromise, or terminate collection action on claims owed to the United States arising from activities under GSA jurisdiction. It implements the Federal Claims Collection Act as amended by the Debt Collection Act. It supplements the regulations published jointly by the General Accounting Office and the Department of Justice. It sets forth procedures by which GSA:

- (a) Will collect claims owed to the United States;
- (b) Will determine and collect interest and other charges on those claims;
- (c) Will compromise claims; and
- (d) Will refer unpaid claims for litigation.

§ 105-55.003 Applicability.

(a) This subpart applies to all claims due the United States under the Federal Claims Collection Act, as amended by the Debt Collection Act, arising from activities under the jurisdiction of the General Services Administration. The word claims includes but is not limited to amounts due the United States from fees, overpayments, fines, civil penalties, damages, interest, and other sources.

(b) Claims arising from the audit of transportation accounts pursuant to 31 U.S.C. 3726 shall be determined, collected, compromised, terminated or settled in accordance with regulations published under the authority of 31 U.S.C. 3726 (see 41 CFR Part 101-41, administered by the Director, Office of Transportation Audits) and are otherwise excepted from these regulations.

(c)(1) Claims arising out of acquisition contracts subject to the Federal

Acquisition Regulations Systems, including the Federal Acquisition Regulations (FAR) and the General Services Administration Acquisition Regulations (GSAR), shall be determined, collected, compromised, terminated, or settled in accordance with those regulations (see 48 CFR Parts 32 and 532, and the administration thereof by the Assistant Administrator for Acquisition Policy) and are otherwise excepted from these regulations.

(2) If not otherwise provided in the FAR system, contract claims that have been the subject of a contracting officer's final decision in accordance with section 6(a) of the Contract Disputes Act of 1978 (41 U.S.C. 605(a)), may be collected, compromised, or terminated under the provisions of this subpart, except that no additional review of the debt shall be granted beyond that provided by the contracting officer in accordance with the provisions of section 6 of the Contract Disputes Act of 1978 (41 U.S.C. 605); further, the amount of any interest, administrative charge, or penalty charge shall be subject to the limitations, if any, contained in the contract out of which the claim arose.

§ 105-55.004 Demand for payment.

(a) A total of three progressively stronger written demands at approximately 30-day intervals will normally be made, unless a response or other information indicates that additional written demands would either be unnecessary or futile. When necessary to protect the Government's interest, written demand may be preceded by other appropriate actions under the Federal Claims Collection Standards, including immediate referral for litigation and/or offset.

(b) The initial written demand for payment shall inform the debtor of:

- (1) The basis for the claim;
- (2) The amount of the claim;
- (3) The date when payment is due 30 days from date of mailing or hand delivery of the initial demand for payment;

(4) The provision for interest, penalties, and administrative charges in accordance with 31 U.S.C. 3717, if payment is not received by the due date [See 105-55.005 for details regarding interest, administrative charges, and penalty charges.]

(5) The intent of the agency to collect by administrative offset, including asking the assistance of other Federal agencies to help in the offset whenever possible, if the debtor has not made payment by the payment due date, has not requested a review of the claim

within the agency as set out in paragraph (b)(8) of this section or has not made an arrangement for payment by the payment due date;

(6) The right of the debtor to inspect and copy the records of the agency related to the claim. Any costs associated therewith shall be borne by the debtor. The debtor shall give reasonable notice in advance to the agency of the date upon which it intends to inspect and copy the records involved;

(7) The right of the debtor to a review of the claim within the agency. If the claim is disputed in full or part, the debtor shall respond to the demand in writing by making a request for a review of the claim within the agency by the payment due date stated in the demand. The debtor's written response shall state the basis for the dispute. If only part of the claim is disputed, the undisputed portion should be paid by the date stated in the initial demand. The agency shall acknowledge receipt of the request for a review, and upon completion of consideration shall notify the debtor whether its determination has been sustained, amended, or canceled within 15 days of the receipt of the request for a review. If the agency either sustains or amends its determination, it shall notify the debtor of its intent to collect by administrative offset unless payment is received within 15 days of the mailing of the notification of its decision following a review of the claim.

(8) The right of the debtor to offer to make a written agreement to repay the amount of the claim. The acceptance of such an agreement is discretionary with the agency. If the debtor requests a repayment arrangement because a payment of the amount due would create a financial hardship the appropriate GSA Regional Finance Division will analyze the debtor's financial condition. Dependent upon the Regional Finance Division's evaluation of the financial strength of the debtor, the Comptroller or Regional Controller or their designees and the debtor may agree to a written installment repayment schedule. The debtor shall execute a confess-judgment note which specifies all of the terms of the arrangement. The size and frequency of installment payments should bear a reasonable relation to the size of the debt and the debtor's ability to pay. Interest, administrative charges, and penalty charges shall be provided for in the note. The debtor shall be provided with a written explanation of the consequences of signing a confess-judgment note. The debtor shall sign a statement acknowledging receipt of the written

explanation which shall recite that the statement was read and understood before execution of the notice and that the note is being signed knowingly and voluntarily. Some form of objective evidence of these facts should be maintained in the agency's file on the debtor.

(c) If no response to the demand is received by the date stated in the demand, GSA will take further action under this subpart or under the Federal Claims Collection Standards. These actions may include reports to credit bureaus, referrals to collection agencies, termination of contract, debarment, offset of Federal salary, and other administrative offset, as authorized in 31 U.S.C. 3701-3719.

§ 105-55.005 Interest, Administrative Charges, and Penalty Charges.

(a) GSA shall assess interest on unpaid claims at the rate of the current value of funds to the Treasury as prescribed by the Secretary of the Treasury on the date interest begins to run. GSA shall assess administrative charges to cover the costs of processing and handling overdue claims. GSA shall assess penalty charges of six percent a year on any part of a debt more than 90 days past due. The imposition of interest, administrative charges, and penalty charges are made in accordance with 31 U.S.C. 3717.

(b) Interest will be computed from the date of *mailing* or *hand delivery* of the initial demand if the amount of the claim is not paid within 30 days. The 30-day period may be extended in individual cases if there is good cause to do so and it is in the public interest. Interest will only be computed on the principal of the claim and the interest rate will remain fixed for the duration of the indebtedness, except where a debtor has defaulted on a repayment agreement and seeks to enter into a new agreement. A new rate which reflects the current value of funds to the Treasury at the time the new agreement is executed may be set if applicable and interest on interest and related charges may be charged where the debtor has defaulted on a previous repayment agreement. Charges which accrued but were not collected under the defaulted agreement shall be added to the principal to be paid under the new repayment schedule.

(c) GSA may waive interest, administrative charges, or penalty charges if it finds that:

(1) The debtor is unable to pay any significant sum toward the claim within a reasonable period of time;

(2) Collection of interest, administrative charges, or penalty

charges will jeopardize collection of the principal of the claim; or

(3) It is otherwise in the best interests of the United States, including the situation where an offset or installment payment agreement is in effect.

§ 105-55.006 Responsibility for collection.

(a) Heads of Central Office Services and Staff Offices and Regional Administrators must initiate actions on claims arising from their program operations and immediately notify the appropriate Regional Finance Division. A claim will be recorded and controlled by the Regional Finance Division upon receipt of documentation from a competent authority establishing the amount due.

(b) The collection of claims under the control of Regional Finance Divisions will be aggressively pursued in accordance with the provisions of Part 102 of the Federal Claims Collection Standards (4 CFR Part 102). Whenever feasible, debts owed to the United States, together with interest, administrative charges and penalty charges, should be collected in full in one lump sum. If the debtor requests installment payments, the Regional Finance Divisions shall be responsible for determining the financial hardship of debtors and when appropriate shall arrange installment payment schedules. Claims which cannot be collected either directly or by administrative offset shall either be written off as administratively uncollectible in accordance with authority delegated to the Director, Office of Finance and the Directors, Regional Finance Divisions, or referred to the appropriate Assistant General Counsel or Regional Counsel for further consideration.

(c) The General Counsel, delegated officials in the Office of General Counsel, and each Regional Counsel may compromise or suspend or terminate the collection of, referred claims under \$20,000, exclusive of interest, penalties and administrative charges under the Act and the Federal Claims Collection Standards Parts 103 and 104.

(d) The Office of General Counsel officials listed in paragraph (c) of this section have the responsibility for referring to the Department of Justice all claims over \$20,000 exclusive of interest, penalties and administrative charges which cannot be compromised, suspended or terminated in accordance with the Federal Claims Collection Act and the Federal Claims Collections Standards. Referrals to the Department of Justice shall be made in accordance with Part 105 of the Federal Claims Collections Standards.

§ 105-55.007 Collection by offset

(a) Whenever feasible, after a debtor fails to pay the claim, request a review of the claim, or make an arrangement for payment, the Comptroller, Regional Controllers, or their designees will collect claims under this subpart by means of administrative offset against obligations of the United States to the debtor, pursuant to 31 U.S.C. 3716, except offset of Federal salaries.

(b) Salary offsets and offsets against military retired pay are governed by 5 U.S.C. 5514.

(c) Collection by administrative offset of amounts payable from Civil Service Retirement and Disability Fund will be made pursuant to 5 U.S.C. 5514 and 5 U.S.C. 5705 and regulations thereunder.

(d) In making collection by administrative offset under 31 U.S.C. 3716, GSA must do so in accordance with the requirements set forth in § 105-55.004(b).

(e) GSA will promptly make requests for offset to other agencies holding funds payable to a debtor and provide instructions for the transfer of these funds. Requests for offset received from other agencies shall be processed promptly and the funds transferred to the requesting agency.

(f) If administrative offset cannot be effected through GSA or other known agency accounts receivable, then GSA will place a complete stop order against amounts otherwise payable to the debtor by placing the name of that debtor on the Department of the Army "List of Contractors Indebted to the United States." If any amounts are discovered under this procedure, they will be offset against the debt owned to GSA.

(g) GSA should not attempt to effect collection by administrative offset when:

(1) The debtor has ceased to do business and there are no known or potential obligations payable by any agency of the United States Government to the debtor.

(2) The debt in question is over ten years old.

(3) The debtor has either gone into receivership and has liquidated all of its assets or has filed a petition in bankruptcy as a no asset debtor, and there is no likelihood of the debtor resuming operations; and there are no known or potential obligations payable by any agency of the United States Government to the debtor. In the case of a bankruptcy petition, the automatic stay against setoff must be honored pending release from the stay.

(4) The debtor is deceased, and there are no attachable assets in the estate.

(5) Any other circumstances which would indicate that the likelihood of collection by administrative offset is less than probable.

§ 105-55.008 Settlement of claims.

(a) In accordance with the provisions of 4 CFR Part 103, GSA officials listed in § 105-55.006(c) may settle claims not exceeding \$20,000 exclusive of interest, penalties and administrative charges by compromise at less than the principal of the claim if:

(1) The debtor shows an inability to pay the full amount within a reasonable time;

(2) The Government would be unable to enforce complete collection by any means within a reasonable time;

(3) The amount of the claim does not justify the actual foreseeable collection cost of the claim; or

(4) A combination of the above reasons.

(b) GSA may suspend or terminate collection action in accordance with the terms and procedures contained in 4 CFR Part 104.

§ 105-55.009 Referral for litigation.

Claims which cannot be settled under 105-55.008 or for which collection action cannot be suspended or terminated under 4 CFR Parts 103 and 104, will be referred to the General Accounting Office or the Department of Justice, whichever is appropriate, in accordance with the procedures in 4 CFR Part 105.

§ 105-55.010 Disclosure to consumer reporting agencies and referrals to collection agencies.

The Comptroller and Regional Controllers and their designees may disclose delinquent debts to consumer reporting agencies and may refer delinquent debts to debt collection agencies under the Federal Claims Collection Act, as amended, and other applicable authorities, provided, however, that no claim arising from the dishonor of any check or other negotiable instrument shall be disclosed to a credit reporting agency or referred to a collection agency without the concurrence of the appropriate Regional Inspector General for Investigations. Information collection agencies in

accordance with the terms and conditions of agreements entered into between GSA and the reporting and collection agencies. The terms and conditions of such agreements shall specify that all of the rights and protections afforded to the debtor under 31 U.S.C. 3711(f) have been fulfilled.

§ 105-55.011 Credit report.

In order to aid the agency in making appropriate determinations as to the collection and compromise of claims; the collection of interest, administrative charges, and penalty charges; the use of administrative offset; the use of other collection methods; and the likelihood of collecting the claim, the Comptroller, Regional Controllers, or their designees may institute a credit investigation of the debtor immediately following receipt of knowledge of the claim.

* * * * *

Dated: July 11, 1984.

William B. Early, Jr.,
Acting Comptroller, General Services
Administration

[FR Doc. 84-19314 Filed 7-25-84; 8:45 am]

BILLING CODE 6820-38-M

Notices

Federal Register

Vol. 49, No. 145

Thursday, July 26, 1984

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forms Under Review by Office of Management and Budget

July 20, 1984.

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extensions, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) An indication of whether section 3504(h) Pub. L. 96-511 applies; (9) Name and telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from: Department Clearance Officer, USDA, OIRM, Room 404-W Admin. Bldg., Washington, D.C. 20250, (202) 447-2118.

Comments on any of the items listed should be submitted directly to: Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503. Attn: Desk Officer for USDA.

If you anticipate commenting on a submission but find that preparation time will prevent you from doing so promptly, you should advise the OMB Desk Officer of your intent as early as possible.

Revised

- Agricultural Stabilization and Conservation Service
- Part 1430, Dairy Products
- ASCS-142, 143, 143-1, 143-3, 146, 147, 148, 36, CCC-150
- Recordkeeping, on Occasion, Weekly, Quarterly
- Individuals or Households, Farms
- 770,000 responses; 450,685 hours; not applicable under 3504(h)
- Harry Millner, (202) 475-3605.

Jane A. Benoit,

Acting Department Clearance Officer.

[FR Doc. 19878 Filed 7-25-84; 8:45 am]

BILLING CODE 3410-01-M

Soil Conservation Service

Bellingham Plant Materials Land Exchange; Bellingham, WA

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines, (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Bellingham Plant Materials Land Exchange, Whatcom County, Washington.

FOR FURTHER INFORMATION CONTACT:

Mr. Lynn A. Brown, State Conservationist, Soil Conservation Service, Room 360, U.S. Courthouse, Spokane, Washington, 99201; telephone 509-456-3711.

SUPPLEMENTARY INFORMATION: In January 1984, a Finding of No Significant Impact for a land exchange proposal between the Soil Conservation Service and Trillium Corporation was prepared and circulated as directed by Soil Conservation Service policy. Subsequently, a notice of Finding of No Significant Impact was published in the *Federal Register*, January 27, 1984, Page 3947.

However, after completing the National Environmental Policy Act process, and during the negotiation process for that land exchange, the

Trillium Corporation was approached by the Scott Paper Company about the availability of their existing nursery operation in Skagit County, Washington. The Soil Conservation Service evaluated the Scott Paper Company property and determined that an environmental assessment of the property was warranted. Having completed the National Environmental Policy Act process to include the assessment of this alternate site, it is therefore concluded that the existing nursery of Scott Paper Company is the preferred site for the exchange of the Bellingham Plant Materials property.

Consequently, the proposal for exchanging the Bellingham Plant Materials property, Whatcom County, Washington to the Trillium Corporation, for fee simple ownership with an unencumbered title to 60 acres and other considerations associated with nursery operations, having a rural location on the Siper Road, one mile north of Nugents' Corner and the Mt. Baker Highway, Whatcom County, Washington, previously described as the preferred action, has been terminated. The Finding of No Significant Impact is hereby amended to so state and to identify the preferred action by the United States Department of Agriculture, Soil Conservation Service.

The action is exchanging the Bellingham Plant Materials property; which is 14.48 acres with fee title, 45.35 acres with a restricted deed and reversionary clause, and nursery associated buildings located within the City of Bellingham at the northwest corner of Interstate 5 and Guide Meridian intersection, to the Trillium Corporation for 58.09 acres and other considerations associated with nursery operations located on the Bradley Road, approximately two and one-half miles west of the Interstate 5—Cook Road interchange, Skagit County, Washington.

The amendment to the Finding of No Significant Impact (FONSI) has been forwarded to various federal, state, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Lynn A. Brown.

No administrative action on implementation of the proposal will be

taken until 30 days after the date of this publication in the **Federal Register**.

(Catalog of Federal Domestic Assistance Program No. 10.905, Plant Materials for Conservation, Office of Management and Budget Circular A-95 regarding state and local clearinghouse)

Dated: July 17, 1984.

Lynn A. Brown,

State Conservationist.

[FR Doc. 84-19681 Filed 6-25-84; 8:45 am]

BILLING CODE 3410-16-M

DEPARTMENT OF COMMERCE

International Trade Administration

Sugar From the European Communities; Preliminary Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of preliminary results of administrative review of countervailing duty order.

SUMMARY: The Department of Commerce has conducted an administrative review of the countervailing duty order on sugar from the European Communities. The review covers the period July 1, 1981, through June 30, 1982.

As a result of the review, the Department has preliminarily determined the net subsidy for the period to be 10.45 cents per pound. The Department has also preliminarily determined that specialty sugars are not subject to the order. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: July 26, 1984.

FOR FURTHER INFORMATION CONTACT: Al Jemmott or Richard Moreland, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On August 21, 1983, the Department of Commerce ("the Department") published in the **Federal Register** (48 FR 35001) the final results of its last administrative review of the countervailing duty order on sugar from the European Communities ("the EC") (43 FR 33237, July 31, 1978) and announced its intent to conduct the next administrative review. As required by section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department has now conducted that review.

Scope of the Review

Imports covered by the review are shipments of sugar, with the exception of specialty sugars, from the EC. Such merchandise is currently classifiable under items 155.2025, 155.2045 and 155.3000 of the Tariff Schedules of the United States Annotated (TSUSA).

Importers of specialty sugars requested that specialty sugars be excluded from the scope of the order. Domestic interested parties have in the past indicated, when notified of importations of specialty sugars, that they did not consider those shipments to be subject to the order. Specialty sugars (e.g., cones, hats, pearls, loaves) are novelty items not competing with bulk sugars.

The Department's primary bases for determining whether a product is outside the scope of an antidumping or countervailing duty order are the descriptions of the product contained in the petition, the initial investigation, and the International Trade Commission ("the ITC"), Treasury, or Commerce determinations.

When there is vagueness in the description of a product and the Department cannot make a determination concerning the scope of a finding or order based upon the information mentioned above, we use four additional criteria to make the determination on the scope. These criteria are: (1) physical characteristics of the merchandise; (2) the uses for which the merchandise is imported; (3) the expectations of the ultimate purchasers; and (4) the channels of trade in which the merchandise moves. In this instance the Department did not need to resort to the four additional criteria to make a determination. We reviewed the petition, the initial investigation, and the ITC's determination.

The petition initiating this case referred only to bulk sugars and the investigations conducted by the Treasury Department and the ITC did not consider specialty sugars. The TSUSA does not separately identify bulk and specialty sugars for classification purposes; the scope description in the order, relying exclusively on TSUSA numbers, did not distinguish specialty sugars from bulk sugars.

On June 23, 1983, the Office of the United States Trade Representative published in the **Federal Register** (48 FR 28629) a "Notice of Regulations Governing Certificates for the Importation of Specialty Sugars". This notice defines specialty sugars to be sugars, syrups, or molasses provided for in items 155.20 and 155.30 of the TSUSA

that are: (1) not currently commercially produced in the United States or reasonably available from domestic sources, (2) the product of a country listed in head note 3(c)(ii) of subpart A, part 10, Schedule 1 of the TSUSA, and (3) require no further refining, processing, or other preparation prior to consumption, other than incorporation as an ingredient in human food.

We have concluded that, as the petition does not refer to specialty sugars and as only bulk sugars were the subject of the investigation, specialty sugars as defined above are not subject to the countervailing duty order.

The review covers the period July 1, 1981, through June 30, 1982, and a program of restitution payments made through the Guidance and Guarantee Fund under the Common Agricultural Policy ("CAP") of the EC.

Analysis of Program

The restitution payments made under the CAP vary in amount and are granted only when the international market price of sugar is lower than the EC "threshold price". The EC designates three categories (A, B and C) of sugar producers in its territory. The EC guarantees A quota sugar processors a stated price for sugar, provides B quota processors a partial restitution, and gives C quota processors no aid. The sugars in all categories are the same; the distinction between producers is based on quantity produced.

The EC provided no information in response to our questionnaire nor to our follow-up request. We are using as the best information available data we collected from the International Sugar Reports of F.O. Licht, Federal Republic of Germany, and currency conversion figures from the Journals of the EC.

Preliminary Results of the Review

As a result of the review, we preliminarily determine that the rate of net subsidy conferred by the restitution payments program is 10.45 cents per pound of sugar for the period July 1, 1981, through June 30, 1982. The Department intends to instruct the Customs Service to assess countervailing duties at that rate on all shipments of this merchandise exported on or after July 1, 1981, and on or before June 30, 1982.

As provided by section 751(a)(1) of the Tariff Act, we intend to instruct the Customs Service to collect cash deposits of estimated countervailing duties of 10.45 cents per pound on all shipments of sugar from the EC entered, or withdrawn from warehouse, for consumption on or after the date of

publication of the final results of this administrative review. This deposit requirement shall remain in effect until publication of the final results of the next administrative review.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 10 days of the date of publication. Any hearing, if requested, will be held 45 days after the publication or the first workday thereafter. The Department will publish the final results of this administrative review including the results of its analysis of issues raised in any such written comments or at a hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 355.41 of the Commerce Regulations (19 CFR 355.41).

Dated: July 19, 1984.

Alan F. Holmer,
Deputy Assistant Secretary, Import
Administration.

[FR Doc. 84-19716 Filed 7-25-84; 8:45 am]

BILLING CODE 3510-DS-M

Trustees of the University of Pennsylvania; Decision on Application for Duty-Free Entry of Scientific Instrument

Correction

In FR Doc. 84-19315 beginning on page 29642 in the issue of Monday, July 23, 1984, the following name and title should be inserted at the end of the third column on that page:

Frank W. Creel,

Acting Director, Statutory Import Programs
Staff.

BILLING CODE 1505-01-M

Export Trade Certificate of Review

AGENCY: International Trade
Administration, Commerce

ACTION: Notice of application.

SUMMARY: The Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce has received an application for an Export Trade Certificate of Review. This notice summarizes the conduct for which certification is sought and invites interested parties to submit information relevant to the determination of whether a certificate should be issued.

DATES: Comments on these applications must be submitted on or before August 15, 1984.

ADDRESS: Interested parties should submit their written comments, original and five (5) copies, to: Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, Room 5618, Washington, D.C. 20230.

Comments should refer to this application as "Export Trade Certificate of Review, application number 84-00027."

FOR FURTHER INFORMATION CONTACT: Charles S. Warner, Director, Office of Export Trading Company Affairs, International Trade Administration, 202/377-5131, or Eleanor Roberts Lewis, Assistant General Counsel for Export Trading Companies, Office of General Counsel, 202/377-0937. These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (Pub. L. 97-290) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. The regulations implementing Title III are found at 48 FR 10596-10604 (Mar. 11, 1983) (to be codified at 15 CFR Part 325). A certificate of review protects its holder and the members identified in it from private treble damage actions and from civil and criminal liability under Federal and state antitrust laws for the export trade, export trade activities and methods of operation specified in the certificate and carried out during its effective period in compliance with its terms and conditions.

Standards for Certification

Proposed export trade, export trade activities, and methods of operation may be certified if the applicant establishes that such conduct will:

1. Result in neither a substantial lessening of competition or restraint of trade within the United States nor a substantial restraint of the export trade of any competitor of the applicant,
2. Not unreasonably enhance, stabilize, or depress prices within the United States of the goods, wares, merchandise, or services of the class exported by the applicant,
3. Not constitute unfair methods of competition against competitors engaged in the export of goods, wares, merchandise, or services of the class exported by the applicant, and
4. Not include any act that may reasonably be expected to result in the sale for consumption or resale within the United States of the goods, wares, merchandise, or services exported by the applicant.

The Secretary will issue a certificate if he determines, and the Attorney General concurs, that the proposed

conduct meet these four standards. For a further discussion and analysis of the conduct eligible for certification and of the four certification standards, see "Guidelines for the Issuance of Export Trade Certificates of Review," 48 FR 15937-40 (April 13, 1983).

Request for Public Comments

The Office of Export Trading Company Affairs (OETCA) is issuing this notice in compliance with section 302(b)(1) of the Act which requires the Secretary to publish a notice of the application in the *Federal Register* identifying the persons submitting the application and summarizing the conduct proposed for certification. The OETCA and the applicant have agreed that this notice fairly represents the conduct proposed for certification. Through this notice, OETCA seeks written comments from interested persons who have information relevant to the Secretary's determination to grant or deny the application below. Information submitted by any person in connection with the application(s) is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552).

The OETCA will consider the information received in determining whether the proposed conduct is "export trade," "export trade activities," or a "method of operation" as defined in the Act, regulations and guidelines and whether it meets the four certification standards. Based upon the public comments and other information gathered during the analysis period, the Secretary may deny the application or issue the certificate with any terms or conditions necessary to assure compliance with the four standards.

The OETCA has received the following application for an Export Trade Certificate of Review:

Applicant: N.B. Carson & Co., Inc.,
4636 Broadway, Cleveland, Ohio 44127.

Application#: 84-00027.

Date Deemed Submitted: July 13, 1984.

Members in Addition to Applicant:
None.

Summary of the Application: N.B. Carson & Co., Inc. (Carson) an Ohio corporation, has submitted an application for an export trade certificate of review.

Export Markets

As a general trading company, Carson intends to export goods and services worldwide, particularly to African countries.

Export Trade

Carson will deal in the following products and services:

A. Products

1. Food and kindred products
2. Tobacco manufactures
3. Textile mill products
4. Apparel and other finished products made from fabrics and similar materials
5. Lumber and wood products
6. Furniture and fixtures
7. Paper and allied products
8. Printing and publishing products
9. Chemicals and allied products
10. Primary metals (ferrous and non-ferrous metals and their alloys)
11. Ferrous and non-ferrous metal products
12. Non-electrical machinery and equipment
13. Electrical and electronic equipment
14. Transportation equipment
15. Measuring, analyzing and controlling instruments, photographic, medical and optical goods, watches and clocks
16. Miscellaneous manufactured products

B. Services

1. Market research
2. Overseas communication
3. Overseas product promotion
4. Domestic transportation for export trade
5. Overseas shipping
6. Credit lending
7. Product servicing
8. Distribution in foreign markets

Activities and Methods of Operation

Carson intends to enter into exclusive export sales agency agreements with manufactures wherein Carson may agree not to represent any competitors of such manufacturers. Carson also intends to enter into exclusive agreements with sales representatives for export trade, in which Carson may establish the prices at which products will be sold in the export market, establish quotas of products to be sold in the export markets by foreign sales representatives, and designate the territory in which foreign sales representatives will represent Carson. Finally, Carson intends to enter into exclusive agreements with state-controlled trading companies in the Export Markets for: (a) Joint ventures; (b) turn-key projects; and (c) swap and switch arrangements.

The OETCA is issuing this notice in compliance with section 302(b)(1) of the Act which requires the Secretary to publish a notice of the application in the *Federal Register* identifying the persons submitting an application and

summarizing the conduct proposed for certification. Interested parties have twenty (20) days from the publication of this notice in which to submit written information relevant to the determination of whether a certificate should be issued.

Dated: July 23, 1984.

Irving P. Margulies,
General Counsel.

[FR Doc. 84-19813 Filed 7-25-84; 8:45 am]

BILLING CODE 3510-DR-M

National Oceanic and Atmospheric Administration**National Marine Fisheries Service; Receipt of Application for Permit**

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant:

a. Name: Mr. Michael R. Riddell (P201A), Marineland Cote d'Azur S.A.R.L.

b. Address: Avenue Mozart, 06600 Antibes, France.

2. Type of permit: Public Display.

3. Name and number of animals: Atlantic bottlenose dolphins (*Tursiops truncatus*) 5.

4. Type of take: To capture and maintain permanently.

5. Location of activity: Mississippi Sound.

6. Period of activity: 2 years.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Concurrent with the publication of this notice in the *Federal Register*, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application

would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

As a request for a permit to take living marine mammals to be maintained in areas outside the jurisdiction of the United States, this application has been submitted in accordance with National Marine Fisheries Service policy concerning such applications (40 FR 11619, March 12, 1975). In this regard, no application will be considered unless:

(a) It is submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, through the appropriate agency of the foreign government;

(b) It includes:

i. A certification from such appropriate government agency verifying the information set forth in the application;

ii. A certification from such government agency that the laws and regulations of the government involved permit enforcement of the terms of the conditions of the permit, and that the government will enforce such terms;

iii. A statement that the government concerned will afford comity to a National Marine Fisheries Service decision to amend, suspend or revoke a permit.

In accordance with the above cited policy, the certification and statements of the Veterinary Inspector-in-Chief, Department of Veterinary Services, have been found appropriate and sufficient to allow consideration of this permit application.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries,
National Marine Fisheries Service,
3300 Whitehaven Street NW.,
Washington, D.C.; and

Regional Director, Southeast Region,
National Marine Fisheries Service,
9450 Koger Boulevard, St. Petersburg,
Florida 33701.

Dated: July 20, 1984.

Joseph W. Angelovic,
Deputy Assistant Administrator for Science
and Technology, National Marine Fisheries
Service.

[FR Doc. 84-19798 Filed 7-25-84; 8:45 am]

BILLING CODE 3510-22-M

National Marine Fisheries Service; Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), the Endangered Species Act of 1973 (16 U.S.C. 1531-1544), the National Marine Fisheries Service regulations governing endangered fish and wildlife permits (50 CFR Part 217-222).

1. Applicant:

a. Name: Southwest Fisheries Center (P77#13).

b. Address: National Marine Fisheries Service, P.O. Box 271, La Jolla, California 92038.

2. Type of permit: Scientific Research/Scientific Purposes.

3. Name and number of animals: Hawaiian Monk Seal (T3Manachus schauinslandi T1), 80.

4. Type of take: Up to 30 adult and subadult male seals will be captured, bleached marked, blood sampled, flipper tagged, temporarily maintained in captivity, and transported to Johnston Atoll for release. The translocation is intended to change an imbalanced sex ratio at Laysan Island and improve pup production. The 50 seals to be bleached marked will allow researchers to select the animals to be translocated.

5. Location of activity: Laysan Island, Hawaii and Johnston Atoll.

6. Period of activity: 2 years.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Concurrent with the publication of this notice in the *Federal Register*, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of

such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries,
National Marine Fisheries Service,
3300 Whitehaven Street NW.,
Washington, D.C.; and
Regional Director, Southwest Region,
National Marine Fisheries Service, 300
South Ferry Street, Terminal Island,
California 90731.

Dated: July 20, 1984.

Joseph W. Angelovic,
Deputy Assistant Administrator for Science
and Technology, National Marine Fisheries
Service.

[FR Doc. 84-19799 Filed 7-25-84; 8:45 am]

BILLING CODE 3510-22-M

Caribbean Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The special public meeting on July 24, 1984, of the Caribbean Fishery Management Council, as published at 49 FR 28089-28090, July 10, 1984, has been cancelled. No new date has been scheduled at this time. For further information contact the Caribbean Fishery Management Council, Suite 1108, Banco de Ponce Building, Hato Rey, Puerto Rico 00918-2577; telephone: (809) 753-4926.

Dated: July 20, 1984.

Roland Finch,

Director, Office of Fisheries Management,
National Marine Fisheries Service.

[FR Doc. 84-19734 Filed 7-25-84; 8:45 am]

BILLING CODE 3510-22-M

Caribbean Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Caribbean Fishery Management Council's Scientific and Statistical Committee (SSC) and Advisory Panel (AP) will meet separately to discuss and provide recommendations to the Council on the development of a fishery management plan for fishery resources of the Puerto Rican and Virgin Islands geological platforms, and on the recommendations received at the public hearings on the Fishery Management Plan, Regulatory Impact Review and Environmental Impact Statement for the

Shallow-Water Reef Fish Fishery of Puerto Rico and the U.S. Virgin Islands, as well as on other related business.

The meeting of the SSC will convene on Tuesday, August 8, at approximately 9:30 a.m., and will adjourn at approximately 4:00 p.m. The meeting of the AP will convene on Wednesday, August 15, at 9:30 a.m. and will adjourn at approximately 4:00 p.m. These meetings are open to the public.

The meetings will take place at the Conference Room of the Hotel Pierre 105 De Diego Avenue, San Juan, Puerto Rico. For further information, contact the Executive Director, Caribbean Fishery Management Council, Suite 1108, Banco de Ponce Building, Hato Rey, Puerto Rico 00918; telephone: (809) 753-4926. Roland Finch,

Director, Office of Fisheries Management,
National Marine Fisheries Service.

[FR Doc. 84-19773 Filed 7-25-84; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF DEFENSE

Military Traffic Management Command, Directorate of Personal Property Program; International Through Government Bill of Lading (ITGBL)

AGENCY: Department of Defense, Military Traffic Management Command (MTMC).

ACTION: Notice of changes in obtaining and maintaining Department of Defense (DOD) approval for ITGBL traffic.

SUMMARY: This is to advise industry of changes to MTMC's policy on common financial and/or administrative control (CFAC) and requirements for obtaining and maintaining DOD approval for participation in ITGBL traffic.

The purpose of this notice is to apprise industry of comments received in response to MTMC's letter of February 28, 1984, concerning CFAC and new requirements for obtaining and maintaining DOD approval to participate in the ITGBL traffic. This notice addresses those comments and explains MTMC policy and CFAC and implementation dates for the revised Service Organization Certificate and annual performance bond.

The thrust of the individual responses that we received centered on the annual performance bond (eight were in favor, seven were against, and three made general comments concerning the bond and other proposals). A letter from the Household Goods Forwarders Association of America, Inc., advised us of an independent survey of their

membership which resulted in a 2 to 1 majority in favor of an annual performance bond. Our decision is to reinstitute the annual performance bond in the minimum amount of \$100,000 or 2.5 percent of the carrier's gross annual revenue derived from DOD ITGBL shipments, whichever is greater, effective March 1, 1985.

The renewal and implementation date has been changed to afford carriers ample lead time to obtain an annual performance bond. The first bond will be effective prior to Volume 50 and remain in effect through the rate solicitation for Volume 51. Failure to post a bond by March 1, 1985, will result in the carrier being placed in nonuse for Volume 50 and rates rejected for Volume 51 (and so on for subsequent solicitations). In effect, a carrier would be placed in nonuse for 1 year. The only exception to this policy will be a newly approved carrier who will be allowed to post a minimum bond for the remainder of the bond cycle.

Several recommendations were made concerning the bond. The suggestions in summary are listed below:

- a. New carriers entering the DOD program must post a bond for 1½ years.
- b. Bonds should be limited to a 6-month period.
- c. Use only top-rated bonding companies and accept irrevocable letters of credit in lieu of bonds.
- d. Bonds should be limited to 2.5 percent.
- e. The low-bidder should be required to increase the value of his annual performance bond.
- f. The annual performance bond should be posted prior to initial filing of rates for the upcoming cycle or require a "letter of commitment" from a bonding company prior to initial filing date.
- g. Do not permit umbrella bonding.
- h. A statement from the bonding or insurance company certifying that there are no other guarantors of the bond.

The annual performance bond as proposed is a yearly requirement to obtain and maintain DOD approval. The effect of requiring a new forwarder to post a performance bond for 18 months may be construed as an artificial barrier to entry into the DOD program. Our policy has been stated in the preceding paragraph. The annual performance bond should not be confused as a requirement for submitting rates. It is requirement to obtaining and maintaining DOD approval and the basis for the bond requirement is to protect the Government against potential financial damage and to forestall interference with the Government's mission to effect timely delivery of household goods shipments.

Requiring performance bonds for a 6-months period to coincide with the rate cycles would become administratively burdensome. Further, to limit the performance bond to just 2.5 percent of the carrier's gross annual revenue form DOD ITGBLs provides less certainty to the Government recouping losses. Since the bond is historical in nature, the baseline minimum of \$100,000 is needed to ensure that if a claim or demand were placed against the carrier's bond sufficient funds would be available.

As with the DOD's policy all bonds required or used in connection with a Government procurement must be supported by sufficient surety, corporate or individual. A list of approved sureties appears in Treasury Department Circular 570 and the Federal Register. We cannot prevent what is termed umbrella bonding. It is a common practice for individuals, groups etc., to get together in order to obtain a more desirable premium rate. We see nothing wrong with this practice provided the insured is bonded for full value of the bond.

Finally, a number of carriers suggested that the bonding or insurance company be required to certify that the carrier being bonded is, in fact, the sole company being bonded and not part of a group or conglomerate. Our initial impression was favorable, however, in reviewing the purpose of the bond, it detracts from the intent. The purpose of the bond is to assure accomplishment of performance (by the surety) and avoidance of financial damage to the Government when a carrier defaults and is unable to perform as agreed. Accordingly, as long as the bond specifically covers the obligation of the carriers to perform jointly and severally, no objection is made to so-called group bonding.

Several questions and recommendations were made concerning the Service Organization Certificate (SOC) and are summarized below:

- a. Can a claims adjuster be affiliated with another carrier?
- b. Define what a factoring company can do for a carrier.
- c. Change the first paragraph to strictly identify ITGBL traffic.
- d. Change paragraph a to include: "Establishing and filing ITGBL rates with * * *."
- e. Change paragraph a to read: "Determining the rates to file with MTMC independent of any other carrier in accordance * * *."
- f. Include as a subparagraph or statement, "Carrier must certify that, Carrier takes the profit or loss risk on every shipment handled, and that the

carrier does not receive only a division of revenue from some other entity, the carrier does not purchase all underlying transportation functions from a company or a group of affiliated companies that relieves the carrier of the profit or loss risk."

- g. Eliminate factoring companies.
- h. Revocation of DOD approval subject to 90-day review.

We have considered all recommendations and approved those that were pertinent and accepted those that are beneficial to the DOD ITGBL program. We have accepted recommendations e and f. This new SOC must be completed and returned by August 25, 1984. We have reviewed our position that a factoring company cannot be affiliated with any other carrier. Since ownership is not a primary concern, we have eliminated that portion in the SOC pertaining to a factoring company's ownership. We view a factoring company as being limited to processing Government bills of lading for payment after discounting the Government bills of lading for the carrier named thereon. Factoring companies cannot pay any carrier's accounts payable. Carriers found to be utilizing such services would be considered in violation of the SOC. Likewise, the ownership or affiliation of a claims adjuster is of little importance when the carrier is directly responsible under the provision of the Tender of Service for claims. Recommendation f was adopted in that it defines a type of business practice that has led to the circumvention of the current ITGBL CFAC policy.

Several questions were posed concerning what MTMC would consider as appropriate business practices. The purpose of this program is to determine if a carrier is operationally and functionally independent. We were asked if a company could train/share employees and utilize the same facilities and equipment. Simply, these practices do not support an independent business operation and are not condoned by MTMC. We do not approve of businesses commingling personnel, facilities, and equipment. This is not to say that companies cannot be located in the same office complex, building, etc. However, employees and telephone equipment must be separate. Additionally, several questions were raised concerning the use of a port agent's service in tracing shipments. The use of port agents is permitted. However, we expect to deal with a representative of your company when tracing a shipment and not be referred to another party outside of your

immediate organization, e.g., the port agent. The company must demonstrate the capability to locate and report back the status of a shipment within the allotted 48 hours.

Generally, the carriers responding welcomed the inspection of their company to determine its operational capabilities in compliance with the SOC. Several recommendations were made concerning areas to be reviewed. It should be noted that MTMC is not going to inspect a company without prior notification of the visit and the context of the inspection. If, in the process of inspecting a company, it becomes evident that the carrier is not performing independently in accordance with the SOC, the Personal Property Directorate will convene a review board to consider

disqualification of the carrier. The carrier will be afforded the opportunity to refute the finding. A decision will be rendered and the carrier notified in accordance with MTMC Memo 15-1.

In summary, carriers in CFAC are required to declare these relationships. Those carriers declaring CFAC will be approved in the same rate channel but not in the same code of service to a destination rate area. The revised SOC must be signed, notarized and returned to MTMC by August 25, 1984. A carrier or carriers found to be in violation of the SOC or failing to disclose CFAC in accordance with the SOC may be removed from the DOD personal property program for a period up to two years. The annual performance bond must be received by MTMC before

March 1, 1985, and be effective for a period of 12 month. The value of the bond must be determined by the carrier and will be verified by MTMC. The bond must be valued at a minimum amount of \$100,000 or 2.5 percent of the carrier's gross annual revenue derived from ITGBL traffic, whichever is greater. MTMC will utilize the services of commercial credit sources to verify and monitor the financial stability of participating carriers. Our site visits to approved carriers will begin in the near future.

FOR FURTHER INFORMATION CONTACT:
Major Michael J. Fry, HQ Military Traffic Management Command, ATTN: MT-PPQ (Room 423), 5611 Columbia Pike, Falls Church, Virginia 22041.

BILLING CODE 4140-01-M

ANNUAL PERFORMANCE BOND

DATE BOND EXECUTED _____

PRINCIPAL (Legal name & address)

TYPE OF ORGANIZATION _____

STATE OF INCORPORATION _____

SURETY (IES) (Name, business address,
& State, of Incorporation)

PENAL SUM OF BOND

MILLION(S) THOUSAND(S) HUNDRED(S) CENT(S)

ONE YEAR BEGINNING _____
AND ENDING _____

DEPARTMENT OR AGENCY REPRESENTING THE GOVERNMENT:

Military Traffic Management Command or the General Services Administration

KNOW ALL MEN BY THESE PRESENTS, That we, The Principal and Surety (ies) hereto, are firmly bound to the United States of America (hereinafter called the Government) in the above penal sum for the payment of which we bind ourselves, our heirs, executors, administrators, and successors, jointly and severally. THE CONDITION OF THIS OBLIGATION IS SUCH, that whereas the Principal contemplates entering into contracts, from time to time during the year shown above, with the Government, represented by the department or agencies shown above, for furnishing supplies or services to the Government, and desires that all such contracts be covered by one bond instead of by separate performance bond for each contract. NOW, THEREFORE, if the Principal shall perform and fulfill all the undertakings, covenants, terms, conditions, and agreements of any and all such contracts so entered into during the original term thereof and any extensions that may be granted by the Government, with or without notice to the surety (ies) and during the life of any guaranty required under the conditions, and agreements of any and all duly authorized modifications of such contracts, that may hereafter be made, notice of which modifications to the surety (ies) being hereby waived, then the above obligation shall be void and of no effect.

The Government shall be the sole beneficiary of this bond in the event the Principal defaults and is unable to perform for whatever reason, including that of filing a petition in bankruptcy, or an involuntary bankruptcy, to include overcharges and claims to the Government. This bond may be terminated at any time by the Surety(ies) upon thirty (30) days notice in writing to the Military Traffic Management Command representing the Government. Termination under this provision shall not effect, or relieve the Surety(ies) of any obligation or liability that may have occurred prior to such termination.

Note 1. The word contracts as used herein means agreements for transportation and services as provided in applicable Government bills of lading, tenders of service, rate tenders and tariffs.

Note 2. The word services as used herein means all transportation and related services required to be performed in accordance with the applicable contracts as defined above.

IN WITNESS WHEREOF, the Principal and Surety(ies) have executed this performance bond and have affixed their seals on the date set forth above.

PRINCIPAL		CORPORATE SEAL
SIGNATURES	NAMES AND TITLES	
1.	1.	
2.	2.	
INDIVIDUAL SURETIES		
1.	1.	
2.	2.	
CORPORATE SURETY		CORPORATE SEAL
1.	1.	
2.	2.	

Instructions for Completing Annual Performance Bond. This form is used in connection with the procurement of supplies and/or services.

1. Annual Performance Bond number must appear in upper right hand of this form.

2. The full legal name and business address of the Principal will be inserted in the space designated "Principal" on the face of this form. This bond must be signed by an authorized person identified on the carrier's authorized signature sheet. Where such person is signing in a representative capacity (e.g., an attorney-in-fact), but is not a member of the firm, partnership, or joint venture, or an officer of the corporation involved, evidence of his authority must be provided.

3. Type of organization must be identified as individual, partnership, joint venture, or corporation and state of incorporation.

4. (a) Where a corporation executes the bond, it must be one appearing on the Treasury Department list of approved sureties and must be acting within the limitations set forth therein.

(b) Where individual sureties execute the bond, they shall be two or more responsible persons. A completed Affidavit of Individual Surety for each individual surety shall accompany this bond. Such sureties may be required to furnish additional substantiating information concerning their assets and financial capability as the Government may require.

5. Corporations executing the bond shall affix their corporate seals. Individuals shall execute this bond by signing in the appropriate signature block opposite the Corporate Seal, and if executed in a state that permits an adhesive seal, affix as appropriate.

6. The name of each person signing this annual performance bond will be typed in the space provided.

7. The penal sum of this bond will be no less than \$100,000 or 2.5 percent, whichever is greater, of the carriers (Principal) gross annual revenue derived from DOD ITGBL shipments the preceding calendar year. The block entitled "Penal Sum of Bond" will be completed by the use of figures only as shown in the following sample:

Million(s)	Thousand(s)	Hundred(s)	Cent(s)
1	240	752	00

Service Organization Certificate

I _____, representing,
_____, hereinafter
referred to as the carrier, certify that,

the carrier is/is not (*delete as appropriate) under common financial and/or administrative control (The term "common financial and/or administrative control" means the power, actual as well as legal, to influence the management, direction, or function of a business organization.), that the following functions are performed and will continue to be performed independent of any other person, firm or corporation, (except as noted), in the offices of the carriers business address, and that I am an official of the carrier with the authority to make this certification.

a. Determining the rate(s) to file with the Military Traffic Management Command (MTMC) independent of any other carrier in accordance with the MTMC rate solicitation procedures. (Data processing firms may be used to process rates.)

b. Tracing, diverting and otherwise controlling shipments in transit and providing transit data in accordance with the carrier's Tender of Service.

c. Processing and payment of claims. The carrier is liable for all claims for payments to the Government for overcharges and unearned freight. (Use of a claims adjuster for adjudicating Household Goods damage claims is permitted; however, the carrier remains responsible for complying with all applicable provisions of the Tender of Service.)

d. Selecting and executing necessary agreements with origin and destination agents, port agents and general agents overseas.

e. Paying origin/destination agents, underlying carriers, port agents, and general agents overseas for service rendered. (This does not preclude the general agent overseas from paying overseas origin/destination agents. The carrier remains directly responsible for such payments.)

f. Billing charges to appropriate finance center for transportation and other services. (If used, a factoring company is limited to processing Government bills of lading for payment after discounting them for the carrier named thereon. A factoring company may not pay the carrier's accounts payables.)

g. Filing/updating letters of intent at installations. (Origin agents may present letter of intent to the personal property shipping office.)

h. Reporting to MTMC, Military Sealift Command, Military Airlift Command

* If carrier has declared CFAC. Carrier will attach a list of household goods carrier(s) or forwarder(s) which are under my common financial or administrative control.

and personal property shipping offices as required by the Tender of Service.

I further certify that, the carrier takes all profit and/or loss risk for shipments tendered, does not receive a division of revenue for services from some other business entity, does not purchase underlying transportation services from a company or a group of companies that relieves the carrier of the profit and/or loss risk.

I acknowledge that any violation of the above cited rules, or failure to disclose any financial or service agreements, will result in revocation of the carriers Department of Defense approval for a period of not less than two (2) years and referral to the Justice Department for prosecution.

Signature and Title

Notary Public (seal)

Dated: July 23, 1984.

For the Commander.

Nathan R. Berkley,

Colonel, GS, Director of Personal Property.

[FR Doc. 84-19795 Filed 7-25-84; 8:45 am]

BILLING CODE 3710-08-M

Defense Nuclear Agency

Membership of the Defense Nuclear Agency Performance Review Boards

AGENCY: Defense Nuclear Agency, Department of Defense.

ACTION: Notice of membership of the Defense Nuclear Agency. Performance Review Boards.

SUMMARY: This notice announces the appointment of the members of the Performance Review Boards (PRBs) of the Defense Nuclear Agency. The publication of PRB membership is required by 5 U.S.C. 4314(c)(4). The Performance Review Boards provide fair and impartial review of Senior Executive Service performance appraisals and make recommendations regarding performance and performance awards to the Director, Defense Nuclear Agency.

EFFECTIVE DATE: The effective date of service for appointees of the DNA PRBs is 1 August 1984.

FOR FURTHER INFORMATION CONTACT:

J. David Woodend, Chief, Civilian personnel Management Division (MPCV), Defense Nuclear Agency, Washington, DC 20305, (202) 325-7591/92/.

SUPPLEMENTARY INFORMATION: The names and titles of the members of the DNA PRBs are set forth below. All are

DNA officials unless otherwise identified:

Board 1

Myers, Lawrence S., Jr., Scientific Advisor to Director, Armed Forces Radiology Research Institute (AFRRI)
 Reid, John E., Director, Acquisition Management Directorate
 Macomber, Mark M., Deputy Director for Systems and Techniques, Defense Mapping Agency
 Carew, Paul H., Comptroller
 Tate, Grayson, D., Jr., MG, USA, Deputy Director (Operations & Administration)
 Aut, Warren E., RADM, USN, Commander, Field Command
 Heinbach, Richard E., Deputy Executive Director of Supply Operations, Defense Logistics Agency

Board 2

Mansfield, John E., Assistant to Deputy Director (Science & Technology) for Theoretical Research
 Sevin, Eugene, Assistant to Deputy Director (Science & Technology) for Experimental Research
 Heinbach, Richard E., Deputy Executive Director of Supply Operations, Defense Logistics Agency
 Soper, Gordon K., Scientific Assistant to Deputy Director (Science & Technology)
 Rubenstein, Morton J., Technical Programs Manager, Nuclear Assessment Directorate
 Cikotas, Bronius, Chief, Electromagnetic Pulse Effects Division, Radiation Directorate
 Linger, Don A., Chief, Strategic Structures Division, Shock Physics Directorate
 Fitz, Harold C., Jr., Chief, Atmospheric Effects Division, Radiation Directorate
 Aut, Warren, E., RADM, USN, Commander, Field Command
 Macomber, Mark M., Deputy Director for Systems and Techniques, Defense Mapping Agency.

Dated: July 23, 1984

M.S. Healy,
*OSD Federal Register Liaison Officer,
 Department of Defense.*

[FR Doc. 84-19796 Filed 7-25-84; 8:45 am]

BILLING CODE 3810-01-M

Department of the Air Force

Public Information Collection Requirement Submitted to OMB for Review

The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the

Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of submission; (2) Title of information collection and form number, if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; (8) The point of contact from whom a copy of the information proposal may be obtained.

Reinstatement of a previously approved collection for which approval has expired.

Statement of Financial Status, AFAFC Form 0-187

The forms are required to assess individual's ability to repay debts owed to the government. Statements are used to determine what collection action the Government will take. Former and present Air Force members, reservists, Air National Guard members, dependents, and civilians using military facilities are affected.

Approximately 3700 forms are completed each year by individuals indebted to the US Air Force. The form takes one hour to complete.

Forward comments to Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington, D.C. 20503, and Daniel Vitiello, DOD Clearance Officer, WHS/DIOR, Room 1C535, Pentagon, Washington, D.C. 20301, telephone (202) 694-0187.

A copy of the information collection proposal may be obtained from Bill Fleming, AFAFC/AJCR, Denver, CO 80279, commercial telephone (303) 370-7651.

Dated: July 23, 1984.

M. S. Healy,
*OSD Federal Register Liaison Officer,
 Department of Defense.*

[FR Doc. 84-19794 Filed 7-25-84; 8:45 am]

BILLING CODE 3910-01-M

Department of the Army

Public Information Collection Requirement Submitted to OMB for Review

The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of

submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; (8) The point of contact from whom a copy of the information proposal may be obtained.

Extension

Lock Performance Monitoring System (PSM) Waterway Traffic Report

Title 33, CFR Part 207 requires the U.S. Army Corps of Engineers to gather statistics from users of navigable waters. These statistics relate to vessels, passengers, freight and tonnage. The data are used to conduct system-wide planning and management of navigable waterways.

Businesses: 3,000 respondents, 55,000 hours.

Forward comments to Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington, D.C. 20503, and Daniel Vitiello, DOD Clearance Officer, WHS/DIOR, Room 1C535, Pentagon, Washington, D.C. 20301, telephone (202) 694-0187.

A copy of the information collection proposal may be obtained from David O. Cochran, DAAG-OPI, Room 1D667, Pentagon, Washington, D.C. 20310, telephone (202) 695-5111.

Dated: July 23, 1984.

M.S. Healy,
*OSD Federal Register Liaison Officer,
 Department of Defense.*

[FR Doc. 84-19790 Filed 7-25-84; 8:45 am]

BILLING CODE 3710-08-M

Public Information Collection Requirement Submitted to OMB for Review

The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom

comments regarding the information collection are to be forwarded; (8) The point of contact from whom a copy of the information proposal may be obtained.

Extension

Civilian Marksmanship Program Enrollment

Enrollment forms are used to screen applications and provide a record that the requirements of section 4307 Title 10 U.S.C. are met.

Non-profit institutions and small organizations: 200 respondents, 200 hours.

Forward comments to Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington, D.C. 20503, and Daniel Vitiello, DOD Clearance Officer, WHS/DIOR, Room 1C535, Pentagon, Washington, D.C. 20301, telephone (202) 694-0187.

A copy of the information collection proposal may be obtained from David O. Cochran, DAAG-OPI, Room 1D667, Pentagon, Washington, D.C. 20310, telephone (202) 695-5111.

Dated: July 23, 1984.

M.S. Healy,

*OSD Federal Register Liaison Officer,
Department of Defense.*

[FR Doc. 84-19791 Filed 7-25-84; 8:45 am]

BILLING CODE 3710-08-M

Public Information Collection Requirement Submitted to OMB for Review

The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; (8) The point of contact from whom a copy of the information proposal may be obtained.

Extension

Marksmanship Club Annual Report

Affiliated marksmanship clubs are issued government-owned material in support of the Army program. Based upon membership and club activities, clubs are provided with requested supplies to promote marksmanship

training. Statistics are collected in order to supply information to the Director for congressional and budgetary actions:

Non-profit institutions: 2,500 respondents, 2,700 hours.

Forward comments to Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington, D.C. 20503, and Daniel Vitiello, DOD Clearance Officer, WHS/DIOR, Room 1C535, Pentagon, Washington, D.C. 20301, telephone (202) 694-0187.

A copy of the information collection proposal may be obtained from David O. Cochran, DAAG-OPI, Room 1D667, Pentagon, Washington, D.C. 20310, telephone (202) 695-5111.

Dated: July 23, 1984.

M.S. Healy,

*OSD Federal Register Liaison Officer,
Department of Defense.*

[FR Doc. 84-19792 Filed 7-25-84; 8:45 am]

BILLING CODE 3710-01-M

Public Information Collection Requirement Submitted to OMB for Review

The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; (8) The point of contact from whom a copy of the information proposal may be obtained.

Revision

Invitations for Bids, Etc. for Granting Use of Real Property of the United States

The bids, management plans, lease applications, ownership disclosure and record keeping and income reporting for concession leases enable the Corps to determine whether existing or potential grantees have or will manage federal property and to calculate rental charges for concession leases.

Individuals, Farms, Governments, Business or Organizations: 12583 respondents, 7975 hours.

Forward comments to Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington, D.C. 20503, and Daniel Vitiello, DOD Clearance Officer,

WHS/DIOR, Room 1C535, Pentagon, Washington, D.C. 20301, telephone (202) 694-0187.

A copy of the information collection proposal may be obtained from David O. Cochran, DAAG-OPI, Room 1D667, Pentagon, Washington, D.C. 20310, telephone (202) 695-5111.

Dated: July 23, 1984.

M.S. Healy,

*OSD Federal Register Liaison Officer,
Department of Defense.*

[FR Doc. 84-19793 Filed 7-25-84; 8:45 am]

BILLING CODE 3710-08-M

Corps of Engineers, Department of the Army

Intent To Prepare a Draft Supplement to the Environmental Impact Statement (DSEIS); Proposed Flood Control Project, Tombigbee River and Tributaries, Luxapalila Creek, Alabama and Mississippi

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Notice of Intent to Prepare a DSEIS.

SUMMARY: The Corps is restudying the flooding problems of Luxapalila Creek from Columbus, Mississippi upstream to near Millport, Alabama. In order to address flood damage reduction alternative plans being considered in this restudy and to update the Final EIS filed on May 21, 1975, a supplement to the Final EIS will be prepared.

1. *Proposed Action.* The proposed action is to reduce flood damages on the Luxapalila Creek from mile 2.1 at Columbus, Mississippi to mile 28.4 near Millport, Alabama.

2. *Alternatives.* Plans for the following alternatives will be formulated and considered in detail.

a. No action. Continuation and acceptance of the flooding and sedimentation problems on the Luxapalila Creek.

b. Construction of a 100-foot channel from mile 2.1 to 4.9 plus a 50-foot channel from mile 4.9 to mile 6.2. Plan provides flood damage reductions for Columbus, Mississippi.

c. Construction of a 75-foot channel from mile 2.1 to mile 6.2. Plan provides flood damage reduction for Columbus, Mississippi.

d. Construction of a 50-foot channel from mile 2.1 to mile 6.2. Plan provides flood damage reductions for Columbus, Mississippi.

e. Construction of a 75-foot channel from mile 2.1 to mile 6.2 plus a 50-foot channel from mile 6.2 to mile 28.4. Plan provides flood damage reductions for

Columbus and Steens, Mississippi and eliminates year round flooding from Steens, Mississippi to Millport, Alabama. A sediment trap would be constructed near Millport, Alabama to alleviate the sedimentation problems in this reach.

3. **Scoping Process.** Scoping is not required, nevertheless a scoping process has been and will continue to be undertaken consisting of coordination and consultation by telephone and letters with concerned Federal, State, and local agencies and interested persons that may wish to provide input. No formal scoping meetings will be conducted during this process. The final EIS prepared for this project has been coordinated with the agencies and the public, and their views on this EIS will be considered in the preparation of the DSEIS.

4. **DSEIS Preparation.** It is anticipated that the DSEIS will be available to the public in October 1984. Questions or input regarding the proposed action and DSEIS can be addressed to: Mr. Kenneth R. Sims, U.S. Army Engineer District, Mobile, P.O. Box 2288, Mobile, Alabama 36628-0001, (205) 690-2722 or FTS 537-2722.

Dated: July 17, 1984.

Patrick J. Kelly,

Colonel, CE, District Engineer.

[FR Doc. 84-19784 Filed 7-25-84; 8:45 am]

BILLING CODE 3710-92-M

DEPARTMENT OF ENERGY

Office of Assistant Secretary for International Affairs and Energy Emergencies

Proposed Subsequent Arrangement

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Japan Concerning Civil Uses of Atomic Energy, as amended, and the Additional Agreement for Cooperation between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreements involves U.S. approval of the transfer of 189 kilograms of fissile plutonium from France to Japan for use as fuel in the experimental fast breeder reactor, JOYO. This plutonium has been separated from U.S. origin enriched

uranium at the La Hague reprocessing plant.

The Japanese physical security plan exceeds the relevant international and Nuclear Regulatory Commission (NRC) standards. Details regarding implementation of the shipment have been reviewed by the Organization of the Joint Chiefs of Staff, the U.S. Coast Guard, and the Department of Energy, and are acceptable. Going beyond international standards, the cargo vessel will be continuously monitored and will be escorted by U.S. military units in designated areas to minimize response time in the event of an incident.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the approval of this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen (15) days after the date of publication of this notice, and after fifteen (15) days of continuous session of the Congress, beginning the day after the date on which the reports required by Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) are submitted to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate. The two time periods referred to above shall run concurrently.

Dated: July 20, 1984

For the Department of Energy.

Danny J. Boggs,

Acting Secretary.

[FR Doc. 84-19724 Filed 7-23-84; 11:32 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[6C0X00257]

Apex Oil Co.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration of the Department of Energy hereby gives Notice of a Proposed Remedial Order which was issued to Apex Oil Company of St. Louis, Missouri. This Proposed Remedial Order alleges violations in the pricing of crude oil of 10 CFR 212.131, 210.62(c), 205.202, 212.182 and 212.183. The total violation alleged during April 1978 through January 1979 is \$3,520,819.79.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from: U.S. Department of Energy, Economic Regulatory Administration, Attn: John

W. Sturges, Director, 440 S. Houston, Room 306, Tulsa, Oklahoma 74127.

Within 15 days of publication of this Notice any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585, in accordance with 10 CFR 205.193.

Issued in Tulsa, Oklahoma on the 5th day of July 1984.

John W. Sturges,

Director, Tulsa Office Economic Regulatory Administration.

[FR Doc. 84-19723 Filed 7-23-84; 11:48 am]

BILLING CODE 6450-01-M

Energy Information Administration

Proposed Extension of Form EIA-101, "Monthly Electric Bill Data" and Solicitation of Comments

AGENCY: Energy Information Administration, Department of Energy.

ACTION: Notice of Form EIA-101, "Monthly Electric Bill Data," and Solicitation of Comments.

SUMMARY: The Energy Information Administration (EIA) of the Department of Energy (DOE) announces a proposed extension of Form EIA-101, "Monthly Electric Bill Data," and invites comments on the survey and contents of the form.

DATES: Written comments must be submitted within 30 days of the publication of this notice.

ADDRESSES: Comments should be sent to Ms. Carol French at the address listed immediately below.

FOR FURTHER INFORMATION CONTACT: Ms. Carol French (EI-541), Energy Information Administration, Department of Energy, Mail Station: 2F-021, 1000 Independence Avenue, S.W., Washington, D.C. 20585.

SUPPLEMENTARY INFORMATION:

- I. Background
- II. Request for Comments

I. Background

The EIA announces a proposed extension of the Form EIA-101, "Monthly Electric Bill Data." This form superseded FPC Form 3-P with the same title in June 1978 and continued the collection of monthly electric bill data. The form is required of 158 electric utilities selected from the Standard Metropolitan Statistical Areas. The form provides the EIA with a summary of residential electric bills for 500 kilowatthours (kWh) consumption, commercial electric bills for 10,000 kWh with a 40-kilowatt (kW) demand, and

industrial electric bills for 200,000 kWh with a 500-kW demand, and provides the Bureau of Labor Statistics of the Department of Labor with information used to compute the Consumer Price and Producer Price Indexes. The EIA-101 data appear in the *Electric Power Monthly* and the *Electric Power Annual*. These publications have extensive circulation and are used by electric utilities, industry, the general public, DOE, and other Federal and State Government agencies.

II. Request for Comments

A copy of the Form EIA-101 and instructions have been reproduced and appear following this notice. The EIA invites prospective respondents and users of the data from this collection to comment within 30 days of the publication of this notice. The following general guidelines are provided to assist in the responses:

(As a potential data provider)

a. Are the instructions and definitions clear and sufficient? If not what instructions require clarification?

b. Can the data be submitted using the definitions included in the instructions?

c. Can the data be submitted in accordance with the response time specified in the instructions?

d. How many hours, including time for preparation and administrative review, will your organization require to complete and submit the form?

e. What is the estimated cost of completing the form, including the direct and indirect costs associated with the data collection? Direct costs include all one-time and recurring costs, such as development, assembly, equipment, ADP, and other administrative costs, directly attributable to providing this information.

f. Do you know of other Federal, State, or local agencies that collect similar data? (If yes, please identify.)

g. How can the form be improved?

(As a potential data user)

h. Do you need data at the levels of detail indicated on the form?

i. For what purpose would you use these data? (Be specific)

j. How could the form be improved to meet your specific data needs better?

k. Are there alternative sources of data and do you use them? What are their deficiencies?

DOE is also interested in receiving comments from persons as to their views on the need for the collection of this information.

Comments or summaries of comments submitted in response to this notice will be included in the request for Office of Management and Budget approval of this data collection and will become a matter of public record.

Issued in Washington, D.C. July 19, 1984.

Yvonne M. Bishop,
Director, Office of Statistical Standards,
Energy Information Administration.

BILLING CODE 6450-01-M

U.S. Department of Energy Energy Information Administration Form EIA-101	MONTHLY ELECTRIC BILL DATA This report is mandatory under Public Law 93-275. Failure to respond may result in a criminal fine, civil penalties, and other sanctions. Information reported on EIA-101 is not considered to be confidential.	Form Approved OMB No. 1905-0128
Signature of the Certifying Official: _____ Title: _____		REPORT FOR: Instructions: See back of form for detailed instructions. Please submit by the 15th of the month. Verify all preprinted information and correct if required. Submit one copy of each page. For more information call:
Contact person: _____ Phone: () _____		

SCHEDULE 1 RESIDENTIAL ELECTRIC BILL DATA FOR U.S. BUREAU OF LABOR STATISTICS — Consumer Price Index

O.C.	COUNTY:	Frame No. =					
Line No.							
1	(If no change enter " " in box)						
2	Rate Designation:						
3	Net base bill	\$					
4	Fuel adjustment ¹		\$				
5	Other charges ²						
6	Subtotal						
7	Taxes ³						
8	TOTAL BILL (nearest 1¢ including taxes)						
9	Rate Designation:						
10	Net base bill	\$					
11	Fuel adjustment ¹		\$				
12	Other charges ²						
13	Subtotal						
14	Taxes ³						
15	TOTAL BILL (nearest 1¢ including taxes)						
16	Rate Designation:						
17	Net base bill	\$					
18	Fuel adjustment ¹		\$				
19	Other charges ²						
20	Subtotal						
21	Taxes ³						
22	TOTAL BILL (nearest 1¢ including taxes)						
23	Rate Designation:						
24	Net base bill	\$					
25	Fuel adjustment ¹		\$				
26	Other charges ²						
27	Subtotal						
28	Taxes ³						
29	TOTAL BILL (nearest 1¢ including taxes)						
30	Rate Designation:						
31	Net base bill	\$					
32	Fuel adjustment ¹		\$				
33	Other charges ²						
34	Subtotal						
35	Taxes ³						
	TOTAL BILL (nearest 1¢ including taxes)						

36	Fuel adjustment per kWh	
37	Purchased Power adjustment per kWh	
38	Power cost adjustment per kWh	
39		
	RATE OF TAXES:	
40	Sales Tax	
41	Gross receipts tax	
42	Franchise tax	
43	Other taxes	
44		

¹Include purchased power and/or power cost adjustment.

²Other charges include surcharges, interim rate adjustment, and any other charges.

³Taxes include sales tax, gross receipt, franchise and any other tax.

SCHEDULE 2. COMMERCIAL AND INDUSTRIAL ELECTRICAL BILL DATA FOR BUREAU OF LABOR STATISTICS—Producer Price Index

(If no change enter " " in box provided)	
COMMERCIAL-40 KW, 10,000 kWh BILL	
1	Rate Designation
2	Net Bill Base
3	Fuel Adjustment
4	Other Charges (Specify)
5	Total Bill (Nearest ¢)
INDUSTRIAL-500 KW, 200,000 kWh BILL	
6	Rate Designation
7	Net Bill Base
8	Fuel Adjustment
9	Other Charges (Specify)
10	Total Bill (Nearest ¢)

COMMENTS

Instructions

Verify, and if necessary correct, the appropriate bills to be charged to residential, commercial and industrial customers under rates and applicable adjustments effective on the 15th of each month, for the kilowatthours specified. The base bills computed should be net bills, after discount for prompt payment or before penalty for late payment. Report the total amount of applicable fuel adjustment, purchased power and/or power cost adjustment and show basis for this figure on lines 36-38. Other charges should include surcharges, interim rate adjustment or other charges directly affecting the base rate. The subtotal should include all of the above applicable charges before any taxes. The total amount of taxes (including sales, gross receipts, franchise, utility, etc.) should be reported on the line titled "Taxes" and the rate of tax reported on lines 40-43, as applicable. The "Total Bill" should include all applicable charges and taxes. Compute bills to the nearest cent. For Schedule 2, adjust bills to 85% power factor and exclude sales tax.

If no change has occurred since the last month, simply check the "no change" box at the top of the column for the current month. When change occurs, enter the complete bill computation. **ATTACH ONE COPY OF THE NEW OR REVISED RATE SCHEDULE, IF THE BASE RATE CHANGES.**

Where to submit: U.S. Department of Energy, Energy Information

Administration, EI-541, Mail Station:
BG-094 Forrestal (Form EIA-101),
Washington, D.C. 20585.

[FR Doc. 84-19726 Filed 7-23-84; 11:47 am]

BILLING CODE 6450-01-M

Agency Forms Under Review by the Office of Management and Budget

AGENCY: Energy Information Administration, Energy.

ACTION: Notice of submission of request for clearance to the Office of Management and Budget.

SUMMARY: Under provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), Department of Energy (DOE) notices of proposed collections under review will be published in the **Federal Register** on the Thursday of the week following their submission to the Office of Management and Budget (OMB). Following this notice is a list of the DOE proposals sent to OMB for approval. The listing does not contain information collection requirements contained in regulations which are to be submitted under 3504(h) of the Paperwork Reduction Act, nor management and procurement assistance requirements collected by DOE.

Each entry contains the following information and is listed by the DOE sponsoring office: (1) The form number; (2) Form title; (3) Type of request, e.g., new, revision, or extension; (4) Frequency of collection; (5) Response

obligation, i.e., mandatory, voluntary, or required to obtain or retain benefit; (6) Type of respondent; (7) An estimate of the number of respondents; (8) Annual respondent burden, i.e., an estimate of the total number of hours needed to fill out the form; and (9) A brief abstract describing the proposed collection.

DATES: Last Notice published Monday, July 2, 1984, (49 FR 27198).

FOR FURTHER INFORMATION CONTACT:

John Gross, Director, Forms Clearance and Burden Control Division, Energy Information Administration, M.S. 1H-023, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 252-2308.
Vartkes Broussalian, Department of Energy Desk Officer, Office of Management and Budget, 726 Jackson Place NW., Washington, DC 20503, (202) 395-7313.

SUPPLEMENTARY INFORMATION: Copies of proposed collections and supporting documents may be obtained from Mr. Gross. Comments and questions about the items on this list should be directed to the OMB reviewer for the appropriate agency as shown above.

If you anticipate commenting on a form, but find that time to prepare these comments will prevent you from submitting comments promptly, you should advise the OMB reviewer of your intent as early as possible.

Issued in Washington, DC, July 23, 1984.

Yvonne M. Bishop,
Director, Statistical Standards, Energy Information Administration.

DOE FORMS UNDER REVIEW BY OMB

Form No. (1)	Form title (2)	Type of request (3)	Response frequency (4)	Response obligation (5)	Respondent description (6)	Estimated Number of respondents (7)	Annual respondent burden (8)	Abstract (9)
FERC-6	Annual Report of Oil Pipeline Companies.	Extension	Annual	Mandatory	Each pipeline company, subject to the provisions of Section 20 of the Interstate Commerce Act.	138	20,700	A financial and operating report needed by the Commission to carry out its regulatory responsibilities under the ICC Act, Section 20 as it pertains to oil pipeline companies (Carrier by Pipeline-Of). To be used to establish rates, in rate proceedings, in formal investigations, financial audits and continuous review of the financial condition of the oil pipeline companies which are regulated by the Commission.
FERC-11	Natural Gas Pipeline Company Monthly Statement.	Extension	Monthly	Mandatory	Natural gas companies whose combined gas sold for resale, transported or stored for a fee, exceeded 50 million Mcf at 14.73 psia (60°F) in the previous calendar year.	46	4,416	The purpose of this monthly statement filing requirement is to develop statistics and studies in investigating the reasonableness of the various revenue and cost of service items claimed in Section 7 certificate and Sections 4 and 5 rate filings.
FERC-423	Cost and Quality of Fuels for Electric Plants.	Extension	Monthly	Mandatory	Electric power producers with steam-electric generating capacity of 50 megawatts or greater.	750	18,000	This form is used to gather information on the cost and quality of fuels delivered to electric utility plants. Responses are used in evaluation of individual utility costs and practices in rate cases, and in required periodic reviews to insure sufficient use of resources.

Federal Energy Regulatory Commission

[Docket No. TA84-2-20-004]

Algonquin Gas Transmission Co.; Rate Filing Under Rate Schedule S-IS

July 23, 1984.

Take notice that Algonquin Gas Transmission Company ("Algonquin Gas") on July 17, 1984 tendered for filing Eighth Revised Sheet No. 213 to its FERC Gas Tariff, Second Revised Volume No. 1.

Algonquin Gas states that Eighth Revised Sheet No. 213 is being filed to reflect in Algonquin Gas' Rate Schedule S-IS a decrease in Texas Eastern Transmission Corporation's ("Texas Eastern") underlying Rate Schedule ISS-III Withdrawal Charge.

Algonquin Gas request that the Commission accept such tariff sheet to be effective August 1, 1984, to coincide with the proposed effective date of Texas Eastern's ISS-III rate change.

Algonquin Gas notes that a copy of this filing is being served upon each affected party and interested state commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before July 31, 1984. Protest will be taken but will not serve to make protestants parties to the proceeding. An person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-19800 Filed 7-25-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF84-403-000]

Applied Energy Services, Inc.—Geismar Facility; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

July 24, 1984.

On July 10, 1984, Applied Energy Services, Inc. (Applicant) of 1925 North Lynn Street, Suite 1200, Arlington, Virginia 22209, submitted for filing an application for certification of a facility as a qualifying cogeneration facility

pursuant to § 292.207 of the Commission's regulations: No determination has been made that the submittal constitutes a complete filing.

The combined-cycle cogeneration facility will be located at the Uniroyal Chemical's Geismar Plant in Geismar, Louisiana. The facility will consist of a dual combustion turbine generator set, waste heat recovery boiler, and a steam turbine generator. The primary energy source for the facility will be natural gas. The useful thermal energy output, which will be in the form of process steam, will be used in chemical production processes. The electric power production capacity of the facility will be 140,240 kilowatts.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-19801 Filed 7-25-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ER83-248-005, ER83-192-000 and ER81-736-000]

Central Illinois Public Service Co.; Refund Report

July 20, 1984.

Take notice that on July 3, 1984, Central Illinois Public Service Company (CIPS or Company) submitted for filing its refund report pursuant to the Commission's Orders issued April 5 and June 4, 1984.

In compliance with the Commission's orders, the excess facilities provision has been deleted from the Service Agreement. CIPS states that it has refunded, with interest, all charges paid by Mt. Carmel pursuant to the rejected excess facilities charge provision.

Any person desiring to be heard or to

protest this filing should file comments with the Federal Energy Regulatory Commission, 325 North Capitol Street, NE., Washington, D.C. 20426, on or before July 31, 1984. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-19802 Filed 7-25-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-537-000]

Centel Corp.; Filing

July 20, 1984.

The filing Company submits the following:

Take notice that on July 9, 1984, Centel Corporation (Centel) tendered for filing a proposed Appendix No. 1 to Service Schedule J (Displacement Power Service) to be a part of the Electric Interconnection and Interchange Agreement between Centel and Sunflower Electric Cooperative, Inc., dated April 9, 1980. This Appendix contains the rate determination calculations for the contract year beginning June 1, 1984 and ending May 31, 1985.

Centel proposes an effective date of June 1, 1984, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before August 2, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-19803 Filed 7-25-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF84-395-001]

City of Harrisburg—Department of Incineration and Steam Generation; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

July 24, 1984.

On July 5, 1984, City of Harrisburg, Department of Incineration and Steam Generation, 1670 South 19th Street, Harrisburg, Pennsylvania 17104, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located at the Harrisburg Steam Generating Facility, 1670 South 19th Street, Harrisburg, Pennsylvania. The primary energy source for the facility will be biomass in the form of municipal solid waste. The facility will consist of two existing water-wall design incinerator boilers, a new steam turbine generator set, and related auxiliary equipment. The useful thermal energy output, which is in the form of process steam will be used for space heating. The electric power production capacity of the facility will be 7.7 megawatts.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-19804 Filed 7-25-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF84-399-000]

John Baardson—McBain Facility; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

July 24, 1984.

On June 18, 1984, John Baardson, (Applicant) of 3704 Nottingham Terrace, Midland, Michigan 48640 submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located in McBain, Michigan. The primary energy source for the facility will be biomass in the form of wood waste. The facility will consist of a two stage wood burner, heat exchanger, waste heat recovery boiler, air turbine generator, and a steam turbine generator. The useful thermal energy output, which will be in the form of steam, will be used in a nearby lumber dry kiln. The net electric power production capacity of the facility will be 11 megawatts.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-19805 Filed 7-25-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF84-399-001]

John Baardson—McBain Facility; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

July 24, 1984.

On June 18, 1984, John Baardson, (Applicant) of 3704 Nottingham Terrace, Midland, Michigan 48640, submitted for filing an application for certification of a

facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The small power production facility will be located in McBain, Michigan. The primary energy source for the facility will be biomass in the form of wood waste. The facility will consist of a two stage wood burner, heat exchanger, waste heat recovery boiler, air turbine generator, and a steam turbine generator. The net electric power production capacity of the facility will be 11 megawatts.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-19806 Filed 7-25-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA84-2-5-002]

Midwestern Gas Transmission Co.; Revised Rate Filing Pursuant to Tariff Rate Adjustment Provisions

July 23, 1984.

Take notice that on July 18, 1984, Midwestern Gas Transmission Company (Midwestern) tendered for filing Substitute Tenth Revised Sheet No. 5 to Original Volume No. 1 of its FERC Gas Tariff, to be effective July 1, 1984.

Midwestern states that the purpose of the revised tariff sheet is to reflect adjustments in its PGA adjustment for its Southern System resulting from a Commission ordered revision in the rates of its supplier, Tennessee Gas Pipeline Company, a Division of Tenneco Inc.

Midwestern states that copies of the filing have been mailed to all of its

jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before July 31, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-19807 Filed 7-25-84; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CP84-578-000]

Panhandle Eastern Pipe Line Co.; Application

July 20, 1984.

Take notice that on July 17, 1984, Panhandle Eastern Pipe Line Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP84-578-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas through an Additive Take Program pursuant to a proposed new Rate Schedule ATP, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant requests Commission authorization to implement Rate Schedule ATP on September 1, 1984, to be effective through December 31, 1985. It is said that under this proposal, Applicant proposes to sell gas to its jurisdictional customers at rates below which it would be available under the Applicant's normal sales rate schedules. It is said further that the gas sold pursuant to Rate Schedule ATP would be available at the cost of gas plus a five-cent margin and could be used to augment the system supply of Applicant's jurisdictional customers.

Applicant states that the proposed Rate Schedule ATP would be available only to Applicant's jurisdictional customers, after purchases of a predetermined threshold level and then within the limits of the annual and daily

contract quantities as previously authorized by the Commission.

It is said that other than establishing a new sales rate schedule applicable to the sale of natural gas pursuant to the provisions set forth in Rate Schedule ATP, Applicant proposes no changes in currently authorized facilities, method or terms of delivery, or other terms of sales.

It is asserted that in recent years, Applicant has experienced a dramatic loss of sales on its system. From annual sales of 662,000,000 Mcf in 1981, it is said that sales plummeted to 455,000,000 Mcf for the year ended 1983.

It is said that because of the substantial decreases in sales, Applicant has been unable to take significant volumes for which it has contracted. During the year 1983, it is said that Applicant paid approximately \$12 million in take-or-pay claims. Despite these payments, it is said that Applicant's outstanding take-or-pay exposure at the end of 1983 was nearly \$430 million. It is further said that unless the sales loss tide is stemmed, this exposure could increase to about \$800 million by the end of 1984.

In addition, Applicant states that it has recently concluded a general rate filing in which jurisdictional rates were designed on an imputed sales design level of 570,000,000 Mcf. The forecast for the years ended 1984 and 1985 projects sales of 416,000,000 Mcf and 428,000,000 Mcf, respectively it is alleged. It is said that this level of sales would create a revenue shortfall for Applicant resulting in increasing upward pressure on sales rates.

Applicant states that it is currently attempting to recover the shortfall in revenues generated by the lower level of sales through the PanMark Gas Company program, which was approved by the Commission in Docket No. CP83-333-000, and other market area transport efforts. It is said that the transportation of gas supplied under these programs provides Applicant with the opportunity to recover the commodity rate fixed costs that are related to providing service between the actual and design sales levels and which would not be recovered without the transports. It is further said that under these transport programs, Applicant retains potentially lost load on the system, preventing even larger amounts of fixed costs to be passed along to the ratepayer, and providing relief from take-or-pay liabilities.

Applicant asserts that through PanMark and market area contract transportation for end-users, Applicant has specifically addressed the needs of a particular segment of its market. These

programs, it is said, are designed to retain the large users of natural gas, i.e. the industrial load on Applicant's system. It is further said that the retention of the industrial load is a paramount requirement in maintaining the economic viability of both Applicant's and its customer's systems.

It is said that while these programs address an important problem, Applicant asserts that, given the current natural gas market, further action is required. It is further said that the purpose of Rate Schedule ATP is to provide Applicant's jurisdictional customers with the opportunity to purchase additive volumes of natural gas for system supply at a rate below that which would be paid under their normal sales rate schedules. Applicant states that the benefit to the jurisdictional customer who purchases gas under this rate schedule would be a lower average cost of gas for their system. It is said that the benefits that would accrue to Applicant's system as a whole, and therefore to all customers, would be the retention of load on the system, preventing upward pressure on sales rates due to further load loss and increased take-or-pay liability. It is said further that the five-cent margin would benefit even those customers not participating in the Program by increasing the recovery of purchased gas costs thereby reducing future buildups of the purchased gas deferred account.

Applicant states that it would continue to make available supplies to its existing jurisdictional customers for purchase under each customer's current sales rate schedule. It is said that the rate charged for these sales would be the currently effective rate for the appropriate rate schedule. It is said further that based upon the September 1, 1984 purchase gas adjustment (PGA), the cost of purchased gas included in these rate schedules would be \$3.04 per million Btu.

It is stated that in order that Applicant might have the opportunity to recover its fixed costs, including those deferred amounts reflected in the September PGA, customers would be required to purchase their respective portion of the design sales volumes before becoming eligible for the Additive Take Program. It is said that the design sales total is 570,000,000 Mcf, which was the negotiated design sales level reflected in the stipulation and agreement in Docket No. RP82-58, dated December 14, 1983, for the period from October 1, 1983 forward.

It is further said that these design volumes may be revised to reflect the appropriate levels in future rate filings.

Applicant proposes that the transportation of PanMark and § 157.209 transportation volumes count as volumes purchased toward the design level. Thus total purchases plus these market transports would yield the total volumes accepted for purposes of determining eligibility to purchase at the Rate Schedule ATP rate, it is said.

Applicant states that when a customer reaches the design level, additional volumes would be sold at the Rate Schedule ATP rate which is proposed to be the cost of gas plus a margin of five cents. It is stated further that at September 1, 1984 this is projected to be \$3.04 plus \$0.05 for a total of \$3.09. It is said that in future periods the Rate Schedule ATP rate would reflect the cost of gas in that period's currently effective PGA. It is said further that sales at this rate would be made on an interruptible, best efforts basis up to the contract demand level set forth in the customer's currently effective service agreements.

It is said that the purpose of the dual rates is to provide Applicant's customers with an incentive to purchase volumes which might not otherwise be purchased. It is said further that the declining rate provides an incentive for Applicant's customers to purchase additional volumes up to the level Applicant's projected full deliverability, providing those customers with a lower average cost of gas.

It is stated that all volumes of gas delivered under the Program would be deemed as volumes sold and delivered pursuant to the provisions of Applicants applicable FERC Gas Tariff, Original Volume No. 1, and the jurisdictional customer's current sales rate schedule, but specifically excluding those provisions regarding billing demand, annual minimum bill and that provision regarding the sales rate to be charged thereunder.

Applicant submits that the proposed Rate Schedule ATP is clearly in the public interest as it would:

1. provide all of Applicant's jurisdictional customers with the opportunity to purchase natural gas at a lower cost for their system supply thereby reducing their average cost of purchased gas;
2. allow price reductions to reach the residential market which has been unable to take advantage of other incentive pricing programs;
3. benefit even non-participants through the collection of a \$0.05 margin that would increase the recovery of purchased gas costs for the system;
4. prevent increases in take-or-pay which would ultimately be borne by ratepayers, and

5. maintain the economic viability of the pipeline and insure rate stability by preventing further erosion of the sales base.

Applicant further states that since the participating customers would purchase these volumes at the cost of gas plus a five-cent margin, there is no potential for Applicant to overrecover its fixed costs, as the five cents would be credited to the entire system as a reduction in gas costs. Applicant asserts that the program can only benefit its jurisdictional customers both individually and collectively and is a positive and efficient method of providing lower cost gas suppliers to Applicant's market area.

Any person desiring to be heard or to make protest with reference to said application should on or before August 9, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-19808 Filed 7-25-84; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. TA84-2-9-002]

Tennessee Gas Pipeline Co.; Revised Rate Change Under Tariff Rate Adjustment Provisions

July 23, 1984.

Take notice that on July 17, 1984, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) tendered for filing the following tariff sheets to Original Volume No. 1 of its FERC Gas Tariff to be effective July 1, 1984.

Substitute First Revised Sheet No. 198 and 202

Substitute Second Revised Sheet No. 199

Substitute Third Revised Sheet No. 200

Substitute Fourth Revised Sheet No. 201

Second Substitute Twelfth Revised Sheet No. 21

Tennessee states that the purpose of the filing is to revise its rates in accord with Ordering Paragraph (D)(2) of the Commission's June 19, 1984 order in this proceeding and to delete various references to the now rejected Transportation Gas Rate Adjustment provision.

Tennessee states that copies of the filing have been mailed to all of its customers and affected state regulatory commissions. Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before July 31, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene; provided, however, that any person who has previously filed a petition to intervene in this proceeding is not required to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-19809 Filed 7-25-84; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CP84-577-000]

Trunkline Gas Co.; Application

July 20, 1984.

Take notice that on July 17, 1984, Trunkline Gas Company (Applicant), P.O. Box 1642, Houston, Texas 77001,

filed in Docket No. CP84-577-000 an application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity along with pregranted abandonment authorizing an emergency sales take-or-pay program (STOPR) which includes (1) authority to sell gas to Sohio Chemical Company (Sohio), (2) blanket authority to sell gas to other off-system customers on a self-implementing basis, (3) authority to construct any minor facilities as necessary and (4) that the Commission issue a blanket certificate authorizing third party transportation as may be necessary to implement these sales, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests blanket authorization to make interruptible off-system gas sales to customers which are not now being served by Applicant. Applicant states that this would alleviate the critical take-or-pay burdens on its system thus benefiting its existing customers. It is indicated the rates for these off-system sales would be designed to be competitive with alternate fuels or other interruptible gas sales and that the base for the rate would be Applicant's weighted average cost of gas (WACOG) to which a margin would be added to meet the competition. Applicant also requests that authority for this experimental program end December 31, 1985. Applicant further requests blanket authorization to construct any minor facilities necessary for sales to these companies and any waivers of the regulations required to implement the STOPR program. Applicant asserts that because it is requesting authority to construct only minor facilities, transportation would be required by other pipelines to serve their markets, and that, therefore, it is requesting blanket authority be granted authorizing transportation by third-party pipelines.

It is claimed that during the past two-year period, Applicant has experienced a substantial reduction in its gas sales and no turnaround is expected in the near future. Sales have fallen from 534,000,000 Mcf in 1981 and 526,000,000 Mcf in 1982 to 311,000,000 Mcf in 1983 and current estimates of sales for 1984 and 1985 are 293,000,000 Mcf and 277,000,000 Mcf, respectively, it is stated. It is further stated the decline in sales has been caused by (1) a general economic depression in Applicant's market area, (2) increases in the cost of gas supplies due to passage of the Natural Gas Policy Act and other factors, (3) lower prices for competitive

fuels and (4) the elimination of gas costs from the minimum bill provisions of Applicant's tariff effective as of January 1, 1983. It is stated that this sales decline is reflective of reduced takes by all of Applicant's large customers, including its parent, Panhandle Eastern Pipeline Company. Applicant explains that indicative of the sales reductions is Mississippi River Transmission Company which has ceased taking gas from Applicant and has filed in Docket No. CP84-438-000 to abandon its purchases when its current contract expires in May 1985. This reduction in sales, it is asserted, results in Applicant having substantial volumes of surplus gas available on its system, which would be available for the STOPR program. The proposed off-system sales would be made from excess deliverability attributable to existing committed reserves which are not currently required by existing customers, it is asserted.

Applicant contends this temporary gas supply surplus has resulted in an emergency situation wherein it has substantial take-or-pay exposure to its producers. The implementation of the STOPR program would help Applicant reduce both current and future take-or-pay exposure, it is indicated.

Applicant reports that in an attempt to stabilize market sales, it has initiated two changes in its Purchased Gas Adjustment tariff (PGA) which became effective September 1, 1983, in Docket No. TA83-2-30-000. First, in order to generate greater rate stability Applicant states it made the rates effective for a period of one year instead of the normal six month period and it reflected an amortization of the deferred purchase gas cost balance at that time over a period of three years, instead of the normal PGA period. Second, during December 1983 Applicant claims it notified one of its suppliers, Trunkline LNG Company, that it was temporarily suspending, for an indefinite period, purchases of regasified LNG other than that in inventory. It is stated this suspension was reflected as a reduction in Applicant's rates by a special out-of-cycle PGA which became effective January 1, 1984, in Docket No. TA84-1-30-001. Additionally, Applicant claims it has implemented an operating plan which emphasizes the purchase of the lowest cost domestic gas supplies possible in an effort to reduce and stabilize its rates, and is participating with PanMark Gas Company in a special marketing program (SMP) pursuant to authority granted March 19, 1984, in Docket No. CP83-333-000, *et al.*

It is averred that despite these marketing oriented rate efforts, sales have continued to decline and Applicant's take-or-pay exposure has increased. It is further stated Applicant has accumulated additional deferred gas purchase costs of \$39.2 million since June 1, 1983. It is stated Applicant is therefore proposing two additional marketing programs, first, the STOPR Program, and second, in conjunction with this program and to assure that the on-system customers would have an immediate benefit from the STOPR Program, Applicant is proposing a negative surcharge in its PGA filing. Applicant states the PGA filing would seek to be effective September 1, 1984, and would include a negative surcharge reflecting a credit in its rates equivalent to one-half of the \$39.2 million current deferred amount subject to recovery.

Applicant states the contract quantity (take-or-pay levels) of the gas supply contracts currently connected to its system would exceed the requirements of its customers by 231,000,000 Mcf in 1984 and by 171,000,000 Mcf in 1985. Applicant estimates that its contracted gas supply would exceed its sales requirements for 1986.

Applicant maintains that the following illustrates the emergency situation regarding take-or-pay exposure: (1) Applicant has made payments to producers of \$38.3 million for gas not taken as of May 31, 1984, and (2) as of December 31, 1983, Applicant had a cumulative exposure to domestic gas suppliers for take-or-pay in the amount of \$1.2 billion, which it claims represents 390,000,000 Mcf of contract quantity gas not taken. It is asserted that if the estimates of take-or-pay exposure materialized as liabilities, they would be of such magnitude as to be beyond the capacity of Applicant to perform. Take-or-pay payments of this magnitude translated to rates would add approximately 50 cents per Mcf associated with the carrying charges to Applicant's on-system customers, it is maintained. Applicant claims it has had extensive negotiations, and is continuing negotiations, with its suppliers in an attempt to reduce this liability. It is asserted that although there has been some success in these negotiations, Applicant estimates that the take-or-pay exposure would approach \$2 billion by the end of 1984. This STOPR sales program has been designed to help reduce its take-or-pay liabilities which would help lower future rates for Applicant's on-system customers, it is asserted.

Applicant speculates that for STOPR sales of 65,000,000 Mcf the take-or-pay

reduction associated with such sales would be approximately \$200 million or an annual reduction in carrying charges of \$24 million at a 12 percent interest rate. This take-or-pay relief would translate into approximately 8 cents per Mcf lower rates due to take-or-pay carrying cost avoidance for Applicant's on-system customers, it is stated.

In order that the STOPR program be competitive Applicant proposes to sell this surplus gas at its WACOG plus a competitive margin reflecting current market conditions. The rates would be the subject of negotiation with each customer, it is stated, and would be designed so that they could vary on a monthly basis to ensure full recovery of the WACOG plus such margin as would be possible.

Applicant states that to assure the Commission that the flexible pricing mechanism in this application would be compensatory and non-discriminatory to its on-system customers, it proposes two features for the STOPR Program. It is stated the first feature is the front end reduction in rates associated with negative surcharge mechanism as mentioned above, and that the second feature is the crediting to Account 191 of one-half of the revenues, net of third party transportation charges, collected in excess of the WACOG. Only the remaining one-half would be retained to offset the negative surcharge, it is claimed. Applicant asserts the negative surcharge would be realized by the on-system customers before the STOPR sales are made, with Applicant bearing the risk for success of the program.

Applicant states that if the negative surcharge generates a reduction to its customers of \$20 million, this would be the equivalent of the collection from STOPR sales of the non-gas portion of Applicant's commodity rates (approximately 31.0 cents) on 65,000,000 Mcf of sales. It is further stated this assures an immediate benefit from the STOPR program to on-system customers.

Applicant states the Sohio facility at Lima, Ohio, uses natural gas for process use, feedstock and fuel in the production of ammonia and chemical products, and the average daily consumption of gas is approximately 75,000 Mcf per day, with peak usage at approximately 90,000 Mcf per day. The Lima plant, it is stated, is now served by three sources, Sohio Petroleum Company providing approximately 10,000 Mcf per day and two spot market suppliers on an interruptible basis. The gas is received by Sohio at its own 41-mile pipeline; that extends northeast from its Lima facilities to a point of interconnection

with ANR Pipeline Company at Haviland, Ohio.

It is asserted the price for the proposed sale to Sohio would be the sum of Applicant's WACOG plus a flexible margin to be determined by Applicant. It is claimed this margin would be based on the delivered costs of the competitive spot market supplies to Sohio. Applicant asserts that for the month of July, the competitive price offered by it would be \$3.46 per million Btu.

Applicant proposes to file with the Commission 15 days prior to commencement of each blanket authorized STOPR sale hereunder the following: (1) the name of the customer, (2) the estimated rate to be collected for the first month of deliveries (or the pipeline margin), (3) location of the sale, (4) the use of the gas, (5) the estimated cost of any required facilities, (6) the name(s) of the purchaser's current supplier(s), and (7) the name(s) of third party transporters.

Applicant further proposes that quarterly and upon expiration of the program, it would report (1) volumes and revenues by customer, (2) cost of any facilities, (3) take-or-pay relief realized, (4) amount of credits to Account 191, and (5) the amount of the recoupment associated with the negative surcharge. Upon expiration of the program, Applicant states it would credit to Account 191 any amounts by which the retained margin exceeds the credit generated by the negative surcharge in the September 1984 PGA.

In addition, Applicant claims it would file a section 7(c) certificate application with the Commission to retain any facilities which it may deem useful subsequent to the expiration of this program.

Applicant states that this program complies with the intent of the Commission's Statement of Policy issued in Docket No. PL83-2-000, (23 FERC 1161.140 [April 25, 1983]). It further states that there would be a substantial benefit to its existing customers from these proposed off-system sales because: (1) the customers would receive benefits over the twelve-month period beginning September 1, 1984 from the negative surcharge in Applicant's PGA, (2) Applicant would further reduce Account 191 by one-half of the revenues, net of third party transportation charges, collected in excess of its WACOG, and (3) these sales can make a substantial contribution towards reducing Applicant's take-or-pay liability which would also serve to reduce future rates.

Any person desiring to be heard or to make any protest with reference to said

application should on or before August 9, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-19810 Filed 7-25-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ER83-430-000, ER83-618-001 and ER84-108-001]

Virginia Electric and Power Co.; Compliance Filing

July 24, 1984.

Take notice that on July 13, 1984, Virginia Electric and Power Company (VEPCO) submitted for filing its compliance report pursuant to the Commission's Letter Order issued May 29, 1984.

VEPCO included in its compliance report rate comparisons between (1) the rates filed March 31, 1983 in Docket No. ER83-430-000, modified by summary disposition in ordering paragraph (C) of the Commission's Order dated May 27,

1983, effective October 31, 1983; and (2) the rates filed July 1, 1983 in Docket No. ER83-618-000, effective January 31, 1984 in accordance with ordering paragraph (F) of the Commission's Order dated August 30, 1983; and the comparable settlement rates.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before August 9, 1984. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-19811 Filed 7-25-84; 8:45 am.]

BILLING CODE 6717-01-M

Notice of Determination Under the Natural Gas Policy Act for OCS Leases Issued on or After April 20, 1977

Issued July: 23, 1984.

On September 27, 1983, the Federal Energy Regulatory Commission (Commission) issued Order No. 336 under Docket Nos. RM83-3 and RM81-12 (48 FR 44,508 September 29, 1983). In that order, the Commission amended its regulations relating to filing requirements for well category applications under the Natural Gas Policy Act of 1978 (NGPA). The determination process for natural gas produced from a new lease, i.e., a lease entered into on or after April 20, 1977, on the Outer Continental Shelf (OCS), and qualifying as new natural gas under Section 102 of the NGPA, was amended in two respects. First, the Commission eliminated the requirement that a determination be made for each well producing gas from a new OCS lease. Second, in lieu of filing an application for each well, the Commission now permits the grant of a new OCS lease to constitute the requisite jurisdictional agency determination that the gas is produced from a new OCS lease.

Under the new procedures, the U.S. Department of Interior, Minerals Management Service (MMS), must file within 60 days of the grant of the lease a notice of determination which includes the lease number, the area and block number, and the date on which the OCS lease was issued by the Secretary of the Interior. This determination is subject to Commission review in the same manner as other jurisdictional agency determinations.

On July 12, 1984, the Commission received notice from MMS, Gulf of

Mexico OCS Region, that on April 24, 1984, MMS conducted OCS Lease Sale 81 for the Central Gulf of Mexico. Included in this offering were lease numbers OCS-G 6565 through OCS-G 7093. With the exception of the seventy-six leases identified below, the leases identified by the OCS numbers in this range have been determined to qualify under NGPA section 102(c)(1)(A) as new OCS leases granted on or after April 20, 1977, pursuant to Order No. 336.

High bids for the following areas were rejected and, as a result, the leases for these areas have not been issued:

Lease No.	Area	Block	Status
OCS-G 6565	West Cameron.	24	Not issued.
OCS-G 6567	do	44G	Do.
OCS-G 6568	do	99	Do.
OCS-G 6576	do	221	Do.
OCS-G 6577	do	227	Do.
OCS-G 6579	do	254	Do.
OCS-G 6582	do	316	Do.
OCS-G 6590	do	401	Do.
OCS-G 6591	do	402	Do.
OCS-G 6592	do	415	Do.
OCS-G 6595	do	477	Do.
OCS-G 6605	do	629	Do.
OCS-G 6620	East Cameron.	126	Do.
OCS-G 6626	do	149	Do.
OCS-G 6627	do	204	Do.
OCS-G 6630	do	216	Do.
OCS-G 6632	do	219	Do.
OCS-G 6633	do	230	Do.
OCS-G 6635	East Cameron South.	246	Do.
OCS-G 6637	do	266	Do.
OCS-G 6640	do	271	Do.
OCS-G 6641	do	275	Do.
OCS-G 6642	do	283	Do.
OCS-G 6644	do	303	Do.
OCS-G 6645	do	306	Do.
OCS-G 6647	do	312	Do.
OCS-G 6648	do	313	Do.
OCS-G 6653	do	328	Do.
OCS-G 6659	do	374	Do.
OCS-G 6681	Vermilion South.	341	Do.
OCS-G 6682	do	347	Do.
OCS-G 6683	do	379	Do.
OCS-G 6688	South Marsh Island.	15	Do.
OCS-G 6689	do	18	Do.
OCS-G 6690	do	28	Do.
OCS-G 6691	do	40	Do.
OCS-G 6698	South Marsh Island North.	266	Do.
OCS-G 6701	do	271	Do.
OCS-G 6703	Eugene Island.	34	Do.
OCS-G 6704	do	48	Do.
OCS-G 6716	do	241	Do.
OCS-G 6724	Engene Island South.	355	Do.
OCS-G 6725	do	374	Do.
OCS-G 6735	Ship Shoal	58	Do.
OCS-G 6738	do	100	Do.
OCS-G 6746	Ship Shoal South.	268	Do.
OCS-G 6749	do	300	Do.
OCS-G 6758	do	344	Do.
OCS-G 6763	do	364	Do.
OCS-G 6768	South Pelto	16	Do.
OCS-G 6770	South Timbalier	219	Do.
OCS-G 6772	do	233	Do.
OCS-G 6773	do	235	Do.
OCS-G 6778	do	276	Do.
OCS-G 6781	do	310	Do.

Lease No.	Area	Block	Status
OCS-G 6783	Grand Isle South.	110	Do.
OCS-G 6786	West Delta	16	Do.
OCS-G 6787	do	106F	Do.
OCS-G 6791	South Pass	52F	Do.
OCS-G 6802	South Pass South & East	76F	Do.
OCS-G 6809	Main Pass	105	Do.
OCS-G 6812	do	139	Do.
OCS-G 6814	Main Pass South & East	163	Do.
OCS-G 6815	do	166	Do.
OCS-G 6817	do	175	Do.
OCS-G 6836	do	309	Do.
OCS-G 6841	Chandeleur East.	38	Do.
OCS-G 6849	Mobile	871	Do.
OCS-G 6852	do	874	Do.
OCS-G 6853	do	907	Do.
OCS-G 6857	do	914	Do.
OCS-G 6859	do	956	Do.
OCS-G 6875	Viosca Knoll	156	Do.
OCS-G 6877	do	203	Do.
OCS-G 6829	Ewing Bank	995	Do.
OCS-G 6993	Green Canyon.	30	Do.

A complete list of OCS lease numbers, with the area and block numbers for the leases issued as a result of this sale, is available for inspection at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within twenty days after publication of this notice in the **Federal Register**.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-19810 Filed 7-25-84; 8:45 am.]

BILLING CODE 6717-01-M

Office of Hearings and Appeals

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, Department of Energy.

ACTION: Notice of implementation of special refund procedures.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy solicits comments concerning the appropriate procedures to be followed in refunding to adversely affected parties \$25,483.59 obtained by the DOE under the terms of a consent order entered into with Reinhard Distributors, Inc., a reseller-retailer of refined petroleum products located in Kent, Washington. This money is being held in escrow following the settlement of enforcement proceedings brought by the DOE's Office of Special Counsel.

DATE AND ADDRESS: Comments must be filed within 30 days of publication of

this notice in the **Federal Register** and should be addressed to the Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue SW., Washington, D.C. 20585. All comments should conspicuously display a reference to case number HEF-0163.

FOR FURTHER INFORMATION CONTACT: Gary Comstock, Senior Attorney, Office of Hearings and Appeals, 1000 Independence Avenue SW., Washington, D.C., 20585 (202) 252-6602.

SUPPLEMENTARY INFORMATION: In accordance with § 205.282(b) of the procedural regulations of the Department of Energy, 10 CFR 205.282(b), notice is hereby given of the issuance of the Proposed Decision and Order set out below. The Proposed Decision sets forth procedures and standards that the DOE has tentatively formulated to distribute to adversely affected parties \$25,483.59 plus accrued interest obtained by the DOE under the terms of a consent order entered into with Reinhard Distributors, Inc. The funds were provided to the DOE by the firm to settle all claims and disputes between Reinhard and the DOE regarding the manner in which Reinhard applied the federal price regulations with respect to its sales of refined petroleum products during the period November 1, 1973 through May 15, 1974.

The OHA proposes that a two-stage refund process be followed. In the first stage, OHA has tentatively determined that a portion of the consent order funds should be distributed to six first purchasers which a DOE audit indicated may have been overcharged. In order to obtain a refund, each claimant will be required either to submit a schedule of its monthly purchases from Reinhard or to submit a statement verifying that it purchased petroleum products from Reinhard and is willing to rely on the data in the audit file. In addition, applications for refund will be accepted from purchasers not identified by the DOE audit. These purchasers will be required to provide specific documentation concerning the date, place, price and volume of product purchased, the name of the firm from which the purchase was made, and the extent of any injury alleged. Applications for refund should not be filed at this time. Appropriate public notice will be given when the submission of claims is authorized.

As for the second stage, the OHA recognizes that some residual funds may remain after all first stage refund applications have been adjudicated. Therefore OHA is inviting interested parties to submit their views with respect to alternative methods of

distributing any remaining funds in a subsequent proceeding.

Any member of the public may submit written comments regarding the proposed refund procedures.

Commenting parties are requested to submit two copies of their comments. Comments should be submitted within 30 days of publication of this notice. All comments received in this proceeding will be available for public inspection between the hours of 1:00 to 5:00 p.m., Monday through Friday, except federal holidays, in the Public Docket Room of the Office of Hearings and Appeals, located in Room 1E-234, 1000 Independence Avenue SW., Washington, D.C. 20585.

Dated: July 13, 1984.

George B. Breznay,

Director, Office of Hearings and Appeals.

Proposed Decision and Order of the Department of Energy

Implementation of Special Refund Procedures

July 13, 1984.

Name of Firm: Reinhard Distributors, Inc.

Date of Filing: October 13, 1983.

Case Number: HEF-0163.

Under the procedural regulations of the Department of Energy (DOE), the Economic Regulatory Administration (ERA) may request that the Office of Hearings and Appeals (OHA) formulate and implement special procedures to distribute funds received as a result of an enforcement proceeding in order to remedy the effects of alleged or actual violations of the DOE regulations. See 10 CFR Part 205, Subpart V. The Subpart V process is typically used in situations where DOE is unable to identify readily those persons who may be eligible to receive refunds in connection with the underlying enforcement proceeding or to ascertain the amounts that such persons are entitled to receive. The Subpart V process is also used in instances where the underlying enforcement proceeding has identified some of the persons who will receive refunds, but others may yet remain to be identified. For a more detailed discussion of Subpart V, see *Office of Enforcement*, 9 DOE ¶ 82,508 (1982), and *Office of Enforcement*, 8 DOE ¶ 82,597 (1981).

I. Background

In accordance with the provisions of Subpart V, ERA, on October 13, 1983, filed a Petition for the Implementation of Special Refund Procedures in connection with a consent order entered into with Reinhard Distributors, Inc. (Reinhard). Reinhard is a "reseller-retailer" of refined petroleum products

as that term was defined in 10 CFR 212.31, and is located in Kent Washington. A DOE audit of the firm's records revealed possible pricing violations with respect to sales of No. 1 heating oil and No. 2 diesel fuel, during the period November 1, 1973, through April 30, 1974, and with respect to regular and premium motor gasoline sales during the period November 1, 1973, through May 15, 1974. In order to settle all claims and disputes between Reinhard and the DOE regarding the firm's sales of these refined petroleum products during the audit period, Reinhard and the DOE entered into a consent order on September 14, 1979, in which the firm agreed to make refunds amounting to \$89,530.24 (including interest). According to the Reinhard consent order, the alleged overcharges affected three classes of customers. Separate processes were established by which Reinhard would make refunds directly to its customers who were allegedly injured, as well as place funds in escrow for DOE to distribute. First, \$67,702.49, representing alleged overcharges on sales of gasoline to end users, was to be refunded directly to customers by Reinhard's reducing the selling price of gasoline at each of its retail service stations. Second, \$1,243.78 was to be refunded directly by Reinhard to Puget Power of Bellevue, Washington, in settlement of the alleged overcharges to that company with respect to sales of No. 2 diesel oil. Third, \$20,583.97, representing alleged overcharges with respect to sales of gasoline to certain wholesale purchasers and alleged overcharges relating to sales of No. 2 diesel oil and No. 1 heating oil to both end users and wholesale purchasers, was to be deposited by Reinhard into an interest-bearing escrow account for ultimate distribution by DOE. As a result of the decontrol of gasoline in January 1981, Reinhard was unable to refund the entire \$67,702.49 through price reductions; It therefore submitted to DOE an additional \$4,899.62, (including closeout interest) for a total escrow amount of \$25,483.59. This Decision concerns the distribution of the \$25,483.59 that Reinhard deposited into the escrow account, plus accrued interest to date.

II. Proposed Refund Procedures

The basic purpose of a special refund proceeding is to make restitution for injuries suffered—typically in the form of overcharges—as a result of alleged or actual violations of the DOE regulations. In order to ensure that restitution is accomplished in this proceeding, we have determined to rely substantially on

the information contained in the ERA audit file. This approach is warranted because the present proceeding differs from many of our prior refund proceedings in which small firms (retailers and resellers) were refund recipients, see, e.g., *Office of Special Counsel*, 9 DOE ¶ 82,538 (1982), and *Tenneco Oil Co./Cary Oil Co. Inc.*, 9 DOE ¶ 82,598 (1982). This proceeding involves an audit which was narrow in scope, a consent order which was limited to the same products and time period as the audit, and a relatively small number of purchasers of the consent order firm's products, all or most of whom are identified in the audit file. Under these circumstances, a more precise determination with respect to the identity of the allegedly overcharged parties and the level of injury they experienced is possible. At the same time, we recognize that there may have been other purchasers not identified by the ERA audit who may have been injured as a result of Reinhard's pricing practices during the audit period that would be entitled to a portion of the consent order funds. Therefore, procedures by which such purchasers may establish a refund claim in this proceeding have also been provided (see discussion *infra*).

A. Refunds to Identified Purchasers

During DOE's audit of Reinhard, seven first purchasers were identified as having allegedly been overcharged. While the DOE audit file represents only preliminary determinations, does not necessarily reflect only preliminary determinations, does not necessarily reflect actual overcharges, nor provide conclusive evidence as to the identity of possible refund recipients or the amount of money that they should receive in a Subpart V proceeding, it is reasonable to use the information contained in the audit file for guidance. See *Armstrong and Associates/City of San Antonio*, 10 DOE ¶ 85,050 at 88,259 (1983). In *Marion Corp.*, 12 DOE ¶ 85,014 (1984) (*Marion*), we stated that "the information contained in the . . . audit file can be used for guidance in fashioning a refund plan which is likely to correspond more closely to the injuries probably experienced than would a distribution plan based solely on a volumetric approach." 12 DOE at 88,031. In previous cases of this type, we have even proposed that the funds in the escrow account be apportioned among the customers identified by the audit. See, e.g., *Bob's Oil Co.*, 12 DOE ¶ 85,024 (1984). In view of the small amount of money involved in this proceeding, it would seem that the most efficient method of accomplishing restitution

would be simply to distribute the escrow funds to those firms identified by the audit as injured by Reinhard's pricing practices. The seven first purchasers identified by the audit, with the amount of alleged overcharges attributed to each, are listed in the Appendix.

On the basis of the information in the record at this time, we propose to distribute a portion of the escrow funds to six of the seven first purchasers identified by the audit. Refunds will be authorized to the first six firms listed in the Appendix for the amount of the alleged overcharges indicated plus accrued interest to date. (1) While the refund to Nebert Bros. is substantially larger than those allotted to the other firms, we will not require a specific demonstration of injury by Nebert Bros. prior to its receiving a refund in view of the small firm presumption (2) we have utilized in previous decisions (see discussion *infra*). We have found, based on our experience in prior refund cases, that requiring a detailed showing of injury from a firm of this size can be unduly burdensome. In addition, according to the DOE audit, Nebert Bros. bore a disproportionate share of Reinhard's alleged overcharges (\$.0189 per gallon compared to \$.0028 per gallon of gasoline purchased by other first purchasers examined by the audit.) Accordingly, the audit file allocated to Nebert Bros. over one half (53.194 percent) of the funds held in escrow for the benefit of first purchasers.

We are not prepared, however, based on the information now available to us, to distribute the Reinhard consent order funds to all of the seven first purchasers identified by the DOE audit. In previous refund proceedings we have determined that firms which made only spot purchases of petroleum products are generally not eligible for refunds from consent order funds. See *Tenneco Oil Co./Imperial Oil*, 10 DOE ¶ 85,002 (1982); *Tenneco Oil Co./Eastern of New Jersey, Inc.*, 10 DOE ¶ 85,028 (1982); and *Office of Enforcement*, 8 DOE ¶ 82,597 (1981), (hereinafter cited as *Vickers*). Those determinations were based on the rationale that spot purchasers are presumed not to have been injured by a particular supplier's pricing violations. See *Vickers* at 85,396-397. The record in this proceeding reveals that the last firm listed in the Appendix may not be eligible for a refund. Fletcher Oil Company (Fletcher), made a single purchase of No. 1 and No. 2 oil during the consent order period. Based on our previous experience in similar cases, it would appear that Fletcher was a spot purchaser with respect to No. 1 and No. 2 oil, was in a position to purchase these

products from other suppliers, and presumably passed the full amount of the alleged Reinhard overcharges through to its customers. We have, therefore, tentatively determined that the Reinhard consent order funds should not be distributed to Fletcher Oil Company. We propose, however, to give Fletcher an opportunity to present evidence to rebut this presumption by establishing the extent to which it was injured as a result of its purchase of No. 1 and No. 2 oil from Reinhard during the consent order period.

B. Refunds to Other Purchasers

We recognize that there may have been other first purchasers not identified by the ERA audit, as well as downstream purchasers, who may have been injured as a result of Reinhard's pricing practices during the audit period and would therefore be entitled to a portion of the consent order funds. To assist other potential claimants in deciding whether to apply for a refund, we propose to utilize a basic procedure, including certain presumptions with respect to injury, that we have used in previous decisions. This basic procedure or methodology involves distributing consent order funds to successful claimants based upon a volumetric calculation, generally referred to as the volumetric refund amount. (3) Using a volumetric approach in this proceeding means that a portion of the Reinhard consent order amount would be allocated to each gallon of product which a successful claimant purchased from Reinhard. The average per gallon refund, or volumetric refund amount, in this proceeding is \$.008426 per gallon. (4) Potential applicants that were not identified by the ERA audit may use that figure to estimate the refund to which they may be entitled. If additional meritorious claims are filed, we will adjust the figures listed in the Appendix accordingly. Actual refunds will be determined only after analyzing all appropriate claims. (5)

However, since the purpose of a Subpart V proceeding is to make restitution for injuries suffered as a result of alleged overcharges, firms which are not end users will generally be required to show that they actually suffered injury and did not merely pass the alleged overcharges on to their customers. This showing, for example, is ordinarily required of resellers, who commonly are in a position to avoid injury by passing on cost increases to their own customers. See, e.g., *Vickers*, *supra*. In addition, in previous refund proceedings, we have determined that firms seeking sizable refunds must

demonstrate that they did not pass the effects of their supplier's alleged regulatory violations through to their own customers. See, e.g., *Office of Special Counsel*, 9 DOE ¶ 82,538 at 85,205 (1982). While there are a variety of means by which a claimant could make this showing, a reseller should generally demonstrate that at the time it purchased Reinhard products, market conditions would not permit it to pass the alleged overcharges on to its own customers in the form of higher prices. In addition, a reseller must show that it maintained a "bank" of unrecovered costs in order to demonstrate that it did not subsequently recover these costs by increasing its prices. The maintenance of a bank will not, however, automatically establish injury. See *Tenneco Oil Co./Chevron U.S.A., Inc.*, 10 DOE ¶ 85,014 (1982); *Vickers Energy Corp./Standard Oil Co.*, 10 DOE ¶ 85,036 (1982); *Vickers Energy Corp./Koch Industries, Inc.*, 10 DOE ¶ 85,038 (1982).

In many special refund cases, we have presumed that purchasers were injured to some extent by the pricing practices which led to the issuance of the consent order. See, e.g., *Urban Oil Co.*, 9 DOE ¶ 82,541 (1982). We have, therefore, exempted small firms from making a further demonstration of injury since the cost of compiling the data required, if such data even exist, could exceed the refund to be gained. See, e.g., *Webster Oil Co., Inc.*, Case No. HEF-0195 (June 15, 1984) (proposed decision). We believe it will advance the restitutionary objectives of the Subpart V process with respect to the Reinhard consent order to establish a purchase threshold below which no express showing of injury will be required. In previous cases, we have adopted a threshold purchase level of an average of 50,000 gallons per month. See e.g., *Vickers, supra*. After considering the various factors involved, we have decided to use an average of 50,000 gallons per month, or a total of 300,000 gallons for the entire Reinhard consent order period, as the threshold purchase level below which injury will be presumed. Hence, no specific showing of injury will be required of firms requesting refunds at this level of purchases. If the full 300,000 gallon volume was purchased during the period covered by the consent order, an applicant would be entitled to a refund of approximately \$2,528, plus accrued interest. Purchasers who claim a refund above \$2,528, the maximum refund possible without a special showing of injury, will be required to make a showing that the alleged overcharges were not passed through to subsequent purchasers. Claimants whose average

monthly purchases exceed 50,000 gallons but who cannot establish that they did not pass through the price increases are still eligible to receive a refund equal to the volumetric refund amount multiplied by the total volume of their purchases from Reinhard, provided that they do not claim a refund for more than 300,000 gallons during the consent order period.

We believe that using a combination of the information in the ERA audit file for identified purchasers, and the volumetric refund calculation procedures for those other purchasers that may yet be identified, is equitable, administratively efficient, and the most appropriate method of accomplishing restitution in this proceeding. Actual refunds will also correspond more closely to the injuries actually experienced than would a distribution plan based solely on the overcharge amount methodology contained in the audit file or on a purely volumetric approach alone as we have done in a number of previous decisions. (See e.g., *Vickers, supra*.) Finally, we will establish a minimum amount of \$15 for refund claims. We have found through our experience in prior refund cases that the cost of processing claims in which refunds are sought for amounts less than \$15 outweighs the benefits of restitution in those situations. See e.g., *Urban Oil Co.*, 9 DOE ¶ 82,541 at 85,225 (1982). See also 10 CFR 205.286(b).

In order to receive a refund, each claimant will be required either to submit a schedule of its monthly purchases from Reinhard of motor gasoline and Nos. 1 and 2 fuel oil, or to submit a statement verifying that it purchased petroleum products from Reinhard and is willing to rely on the data in the audit file. Claimants must indicate, as well, whether they have previously received a refund, from any source, with respect to the alleged overcharges identified in the ERA audit underlying this proceeding. Purchasers not identified by the ERA audit will be required to provide specific information concerning the date, place, price, and volume of product purchased, the name of the firm from which the purchase was made, and the extent of any injury alleged. Each applicant must also state whether there has been a change in ownership of the firm since the audit period, and must provide the names and addresses of any other owners. If there has been a change in ownership, the applicant should either state the reasons why the refund should be paid to the applicant rather than the other owners or provide a signed statement from the

other owners that they do not claim a refund.

C. Distribution of the Remainder of the Consent Order Funds

Because of the difficulty inherent in establishing injury to claimants in many Subpart V cases, there is likely to be a portion of the Reinhard consent order fund remaining after all successful first stage claimants have been paid. In the event that money remains after all first stage claims have been disposed of, undistributed funds could be distributed in a number of ways in a subsequent proceeding. However, we will not be in a position to decide what should be done with any remaining funds until the first stage refund procedure is completed. We encourage the submission by interested parties of proposals which address alternative methods of distributing any remaining funds.

It is therefore ordered that:

The refund amount remitted to the Department of Energy by Reinhard Distributors, Inc., pursuant to the consent order executed on September 14, 1979, will be distributed in accordance with the foregoing determination.

Footnotes

(1) In this case, because Reinhard agreed in the consent order to refund the entire amount it had allegedly overcharged each of the identified firms, the portion of the escrow account which the listed purchasers are to receive represents 100 percent of the amount each was allegedly overcharged.

(2) Nebert Bros. is a distributor of gasoline and fuel oil. The firm also operates a retail service station and related commercial enterprises. During the time of Reinhard's alleged overcharges, Nebert Bros. had annual sales of approximately \$275,000. Port Angeles, Washington, the firm's principal place of business is a small (population approximately 17,000) and substantially isolated community located on the northern coastline of the Olympic peninsula which comprises a constituent part of the State of Washington. For these reasons we have concluded that Nebert Bros. is the type of firm to which the small firm presumption is customarily applied.

(3) A purely volumetric approach is particularly appropriate in special refund proceedings where the DOE is unable to identify readily those persons who may be eligible to receive refunds. It has proven to be an administratively efficient method for determining what proportion of the available settlement funds should be awarded to each successful claimant. It also serves as a useful approximation of injury in the treatment of overcharged claimants who are unable to qualify their alleged injury, thereby allowing applicants to recover a meaningful refund for the volumes of product they have purchased.

(4) This per gallon factor is computed by dividing the \$25,483.59 available for distribution under the Reinhard consent order by 3,024,312 gallons, which represents Reinhard's total sales of all covered products during the consent order period for which Reinhard did not make a direct refund.

(5) Purchasers identified in the ERA audit as having allegedly been overcharged may also submit information to show that they are entitled to larger refunds than those indicated in the Appendix.

(6) The Reinhard escrow payment of \$25,483.59 was received by DOE on May 20, 1981.

APPENDIX

First purchasers	Alleged overcharge amount ¹
Jem Locke, 14225 Interurban Avenue South, Tukwila, WA 98188	\$578.73
Nobert Bros., 1233 E. First Street, Port Angeles, WA 98362	8,346.27

APPENDIX—Continued

First purchasers	Alleged overcharge amount ¹
Ray Barrett, Coastal Oil Co., P.O. Box 916, Auburn, WA 98002	1,229.76
Earl Storey, 1302 E. 1st Street, Cle Elum, WA 98922	1,015.19
John B. Dickson, Two Embarcadero Center, Suite 1870, San Francisco, CA 94111	1,039.21
Howard Turner, P.O. Box 5431, Kent, WA 98031	927.51
Fletcher Oil Co., P.O. Box 2115, Tacoma, WA 98401	2,554.58

¹ Includes interest accrued through May 20, 1981.

[FR Doc. 84-19829 Filed 7-25-84; 8:45 am]

BILLING CODE 6450-01-M

Cases Filed; Week of July 6 Through July 13, 1984

During the Week of July 6 through July 13, 1984, the appeals and applications

for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20585.

George B. Breznay,

Director, Office of Hearings and Appeals.
July 19, 1984.

LIST OF CASES BY THE OFFICE OF HEARINGS AND APPEALS

[Week of July 6 through July 13, 1984]

Date	Name of location of applicant	Case No.	Type of submission
July 6, 1984	Atlantic Richfield Co., Los Angeles, CA	HRD-0223, HRH-0223	Motion for discovery and request for evidentiary hearing. If granted: Discovery would be granted and an evidentiary hearing would be convened in connection with the remaining issues involved in the March 22, 1984 Remedial Order issued to Atlantic Richfield Company (Case No. DRO-0193).
Do	Department of Interior Washington, DC	HEE-0096	Exception from the certification rules. If granted: The Department of Interior would receive an exception from certain certification requirements applicable to first sellers of crude oil as set forth in 10 C.F.R., Part 212, with respect to its sales of onshore and offshore crude oil to Lunday-Thagard Company.
Do	International Brotherhood of Electrical Workers, Washington, DC	HFA-0232	Appeal of an information request denial. If granted: The International Brotherhood of Electrical Workers would receive access to documents pertaining to electrical work performed by contractors at the West Valley Demonstration Project.
July 10, 1984	San Joaquin Oil Co. Los Angeles, CA	HEE-0097	Price exception. If granted: San Joaquin Oil Company would receive an exception from the provision of 10 CFR., Part 212, Subpart E (the refiner price rule regulations), for calculating product costs in the month of May 1973.
Do	West Coast Oil Co., Los Angeles, CA	HEE-0098	Price exception. If granted: West Coast Oil Company would receive an exception from the provisions of 10 CFR., Part 212, Subpart E (the refiner price rule regulations), for calculating product costs in the month of May 1973.
July 11, 1984	Atlantic Richfield Co. Los Angeles, CA	HRX-0104	Supplemental order. If granted: The remaining issues involved in the May 1, 1979 Proposed Remedial Order issued to Atlantic Richfield Company (Case No. DRO-0193) would be dismissed.
Do	Atlantic Richfield Co., Los Angeles, CA	HRX-0103	Supplemental order. If granted: The Department of Energy would issue an order indicating the amount of crude oil overcharges attributable to the St. Mary Parish Lease, State Lease 3120, and State Lease 3242.

REFUND APPLICATIONS RECEIVED

[Week of July 6 to July 13, 1984]

Date	Name of refund proceeding/name of refund applicant	Case No. Assigned
7/9/84	Marion/Seaboard System Railroad	RF37-10.
1/10/84	Brown/Clara Lively	RF39-2.
1/24/84	Brown/Chris' Standard Service	RF39-1.
7/11/84	Amoco/E.P. Nisbet Company	RF21-12348.
7/13/84	Amoco/New Hampshire Northeast Petroleum Industries	RQ21-99, RQ25-100.

[FR Doc. 84-19830 Filed 7-25-84; 8:45 am]

BILLING CODE 6450-01-M

Objection to Proposed Remedial Orders Filed With the Office of Hearings and Appeals; Week of June 18 Through June 22, 1984

During the week of June 18 through June 22, 1984, the notices of objection to

proposed remedial orders listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who wishes to participate in the proceeding the Department of Energy will conduct concerning the

proposed remedial orders described in the Appendix to this Notice must file a request to participate pursuant to 10 CFR 205.194 within 20 days after publication of this Notice. The Office of Hearings and Appeals will then determine those persons who may participate on an active basis in the

proceeding and will prepare an official service list, which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown.

All requests to participate in these proceedings should be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20585.

Dated: July 20, 1984.

George B. Breznay,

Director, Office of Hearings and Appeals.

Corum Energy Corporation, Houston, Texas
HRO-0234, Crude Oil

On June 20, 1984, Corum Energy Corp., 7878 Grow Lane, Suite 234, Houston, Texas 77640, and the State of Texas, P.O. Box 12548, Capitol Station, Austin, Texas 78711, filed Notices of Objection to a Proposed Remedial Order (PRO) which the DOE Dallas District Office of Enforcement issued to Corum Energy Corp. on May 18, 1984. In the PRO, the Dallas Office found that during April 1980 to December 1980, Corum Energy Corp. charged prices in excess of actual purchase prices without providing any service or other function traditionally associated with the resale of crude oil (layering), thereby violating 10 CFR 212.186, 210.62(c) and 205.202. According to the PRO, the Corum violation resulted in \$7,743,100.12 of overcharges. In addition the Dallas Office found that during the same period, Corum exceeded its permissible average markup (PAM) in violation of 10 CFR 212.183(c). According to the PRO, this violation resulted in \$4,753,718.44 of overcharges. Finally, the Dallas Office found that if Corum did not engage in the layering violations cited above, then Corum exceeded its PAM on those transactions. This alternative violation resulted in \$7,674,985.92 in overcharges.

Edwin Milton Jones, Jr., Dennis Van Matthew
Houston, Texas, HRO-0235 Crude Oil

On June 20, 1984, Edwin Milton Jones, Jr., c/o Rockland Oil Company, Suite 1950, 7324 South West Freeway, Houston, Texas 77074, and Dennis Van Matthew, 2919 Allen Parkway, Houston, Texas 77019, filed Notices of Objection to a Proposed Remedial Order issued to them by the Houston Office of the DOE Economic Regulatory Administration and published in the *Federal Register* on June 5, 1984. In the PRO, the Houston Office found that Edwin Milton Jones, Jr. and Dennis Van Matthew are liable for prices charged by Southwest Petrochem, Inc., in resales of crude oil in violation of 10 CFR 212.186, 210.62(c) and 205.202 during the period January 1977 through February 1980.

According to the PRO, the violation resulted in \$26,172,970.97 of overcharges.

[FR Doc. 84-19828 Filed 7-25-84; 8:45 am]

BILLING CODE 6450-01-M

Western Area Power Administration

Final Environmental Impact Statement Availability; Great Falls-Conrad Proposed 230-kV Transmission Line, Montana

AGENCY: Western Area Power Administration, U.S. Department of Energy.

ACTION: Notice of Availability, Final Environmental Impact Statement.

SUMMARY: Notice is hereby given that the Western Area Power Administration (Western), U.S. Department of Energy (DOE), has issued for review and comment a final environmental impact statement (EIS) for the proposed Great Falls-Conrad 230-kV transmission line in Montana, DOE/EIS-0106-F. The final EIS was prepared pursuant to the National Environmental Policy Act of 1969 (NEPA); Council on Environmental Quality Regulations, 40 CFR 1500-1508; and DOE guidelines for compliance with NEPA, 45 FR 20694, and as amended.

DATES: Written comments on the final EIS are due no later than 30 days from the environmental Protection Agency's publication of the "Notice of Availability" in the *Federal Register*.

FOR FURTHER INFORMATION OR COPIES OF THE FINAL EIS CONTACT:

Mr. James D. Davies, Area Manager,
Attn: Mr. Stephen A. Fausett (B2000),
Billings Area Office, Western Area
Power Administration, P.O. Box EGY,
Billings, MT 59101, (406) 657-6042
Mr. Gary W. Frey, Acting Assistant to
the Administrator, for Conservation
and Environment, Western Area
Power Administration, P.O. Box 3402,
Golden, CO 80401, (303) 231-1527

SUPPLEMENTARY INFORMATION:

Background Information

On February 23, 1984, Western filed the draft EIS for the Great Falls-Conrad transmission line project with the Environmental Protection Agency (EPA). The EPA published a Notice of Availability in the *Federal Register* on March 2, 1984. The comment period on the draft extended until April 16, 1984. The final EIS contains a comprehensive summary of the draft EIS; a description of the public review process; comments from letters and hearings on the draft EIS and Western's responses; errata and changes for the draft EIS; and additional information on waterfowl collision hazards associated with the proposed

project. The draft and final EISs are intended to be reviewed together.

The draft and final EISs address the construction, operation, and maintenance of a 230-kV transmission line about 74 miles in length in Cascade, Teton, and Pondera Counties in the State of Montana. The transmission line would originate at an existing Montana Power Company (MPC) substation in Great Falls, Montana, and proceed north and west to the site of the proposed 230-/69-kV Bole Substation about 6.5 miles north of Fairfield, Montana. From Bole Substation, the line would proceed northward to a site about 2.5 miles south of Conrad, Montana, where a new 230-/115-kV substation would be constructed to interconnect with an existing MPC 115-kV transmission line which runs between Great Falls and Cutbank, Montana.

The electrical needs of the Conrad-Shelby-Browning area in north-central Montana are presently served by means of a single 115-kV transmission loop running from Great Falls to Cutbank to Havre and back to Great Falls. Power system simulation studies indicate, and actual operational experience has demonstrated, an urgent need for improvements to the high voltage transmission system in the area. Under present conditions an outage on the Great Falls-Conrad section of the existing loop would result in low voltage, overload, and loss of load conditions. Routine maintenance of the existing 115-kV loop will become increasingly difficult to accomplish due to the inability to remove sections of the transmission line from service.

The proposed action would provide continued service to area loads, improve system reliability, extend the capability of the underlying 69-kV subtransmission system, contribute to energy conservation by reducing line losses on the existing high voltage system, and provide flexibility for future expansion of the area electrical transmission system.

The final EIS was prepared in compliance with all applicable regulations. Copies of the draft and final EISs have been distributed to appropriate Federal, State, and local agencies; Boards of County Commissioners in Cascade, Teton, Pondera, and Choteau Counties; public libraries in Great Falls, Choteau, Dutton, Conrad, Fort Benton, and Fairfield, Montana; and other interested groups and individuals. Copies are also available for public inspection at Western offices in Fort Peck and Billings, Montana, and Golden, Colorado; and at the DOE Reading

Room, Forrestal Building, Washington, DC. Copies of the draft and final EISs will be distributed to the public upon request.

Interested agencies, organization, and individuals are encouraged to review the final EIS and comment on its adequacy, completeness, and accuracy. Any comments should be sent to Mr. James Davies, Area Manager, at the address given above. Comments received after the comment period may not be considered in the decisionmaking process.

Issued at Golden, Colorado: July 19, 1984.

Robert L. McPhail,
Administrator.

[FR Doc. 84-19827 Filed 7-25-84; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OW-FRL-2036-8]

Water Pollution Control; Notice of Public Hearing and Proposed Determination to Prohibit Specification Area as Disposal Site

In the matter of Public Notice No. IV-404003-HLM (Graham Reeves) issued July 26, 1984.

Under Section 404 of the Clean Water Act (33 U.S.C. 1251 *et seq.*), any person who wishes to discharge dredged or fill material into the waters of the United States, including regulated wetlands, must first obtain a dredge or fill permit from the Secretary of the Army, acting through the Chief of Engineers. However, Section 404(c) of the Clean Water Act (33 U.S.C. 1251 *et seq.*) authorizes the Administrator of the U.S. EPA to prohibit the specification (including the withdrawal of specification) of any defined area as a disposal site, or to deny or restrict the use of any defined area for specification as a disposal site, whenever he determines, after notice and opportunity for public hearing, that the discharge of dredged or fill materials into such area will have an unacceptable adverse effect on municipal water supplies, shellfish beds and fishery areas (including spawning and breeding areas), wildlife, or recreational areas. The procedures for implementation of 404(c) are set forth in 40 CFR Part 231. This notice of the proposed determination and public hearing is being published in accordance with 40 CFR 231.3 by the Regional Administrator of the EPA's Region IV in Atlanta, Georgia.

The Corps of Engineers advertised the present permit application (81-5D-220)

for Mr. Graham Reeves on August 10, 1981. The proposed project is to repair and expand existing embankments, construct new embankments, and install water control structures in wetlands adjacent to Minim, Cork, and Little Duck Creeks at Annandale Plantation, Georgetown County, South Carolina. The work would include reconstruction of approximately 55,000 linear feet of remnant embankments and construction of approximately 3,500 linear feet of new embankment. This would result in the impoundment of approximately 550 acres of wetlands in three separate, but adjacent, impoundments for private waterfowl impoundments and maricultural activities.

EPA proposes to prohibit the specification of the wetland areas described herein as a disposal site for dredged or fill materials. This will be done under the provisions set forth in 40 CFR Part 231, based on the unacceptable adverse effects which could result on shellfish beds and fishery areas (including spawning and breeding areas), wildlife areas, and recreational areas. In accordance with 40 CFR 231.4, I find that it would be in the public interest to hold a public hearing on the proposed determinations.

Purpose of Public Notice

Region IV would like to obtain comments on EPA's proposal to prohibit disposal of dredged or fill material on the wetlands in question (Graham Reeves permit 81-5D-220) and whether or not the impacts of such disposal represent an unacceptable adverse effect as described in Section 404(c) of the Clean Water Act.

Hearing Date

September 5, 1984, beginning at 7:00 p.m.

Hearing Location Address

Physician's Auditorium, College of Charleston, George Street, Charleston, South Carolina

Comments may be submitted prior to the hearing or presented at the hearing. The hearing record will remain open after the hearing until close of business, September 21, 1984, for the submittal of written comments. Comments submitted prior to or after the hearing, or requests for copies of this proposed determination, should be submitted to EPA's designated Record Clerk, Ms. Earline Hanson, Office of Policy and Management, Environmental Protection Agency, 345 Courtland Street, N.E., Atlanta, Georgia 30365. Oral and written comments should directly address whether or not the proposed determination should become the final

determination or whether corrective action could be taken to reduce the adverse impact of the discharges. All such comments will be considered in reaching my decision to either withdraw the proposed determination or to prepare a recommended determination to prohibit specification, to or deny or restrict the use for specification of the area as a disposal site. If a recommended determination is made, it and the administrative record will be forwarded to the Administrator of EPA for review and the making of the final determination. The procedures to be used by the Administrator in making the final determination are specified at 40 CFR 231.6.

Copies of all comments submitted in response to this notice will be available for public inspection during normal working hours (8:00 a.m. to 4:30 p.m.) at the U.S. EPA Regional office at the address above.

Hearing Procedures

a. Howard D. Zeller, Assistant Regional Administrator for Policy and Management, EPA Region IV, will be the Presiding Officer at the hearing.

b. Any person may appear at the hearing and submit oral or written statements, and may be represented by counsel or other authorized representative. Any person may present written statements for the hearing file prior to the time the hearing file is closed to public submissions, and may present proposed findings and recommendations. The Presiding Officer shall afford the participants an opportunity for rebuttal.

c. The Presiding Officer will establish reasonable limits on the nature, amount, or form of presentation of documentary material and oral presentations. No cross examination of any hearing participant shall be permitted, although the Presiding Officer may make appropriate inquiries of any such participant.

d. The hearing file will be open for submission of written comments until close of business, September 21, 1984.

Background

The Annandale Plantation comprises approximately 4,000 acres of uplands and wetlands, 1,200 of which are currently impounded. Mr. Reeves leases duck blinds for private hunting on his impounded acreage. The area proposed for additional impoundments consists of regularly flooded salt marsh. This area was once impounded for rice culture, and then for a waterfowl impoundment. The impoundment dikes were abandoned in the early 1940's. The area

now has excellent tidal exchange with attendant detrital export and ingress and egress of estuarine fauna. Detritus from naturally occurring wetland plant species there serves as a fundamental element in the food chain of the areas' marsh/estuary biota. The existing marsh also provides valuable feeding and/or nursery habitat for various finfish, shellfish, and other wildlife. In addition, the public currently has access to the area for certain recreational pursuits through the numerous watercourses which traverse the site.

It was for these reasons that the EPA, the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, the South Carolina Wildlife and Marine Resources Department, and the South Carolina Attorney General's Office have consistently objected to the issuance of a Corps permit to impound this marsh.

Potential Adverse Impacts of Permit Issuance

The impoundments would concentrate water fowl which in turn release large quantities of nutrient-laden feces. These nutrients often induce algal blooms which could severely deplete the oxygen within the water column of the proposed impoundments. Large quantities of waterfowl fecal material could also increase the oxygen demand at the sediment-water interface. Various waterfowl management practices can also affect water quality within, and effluent from, the proposed impoundments. The adverse environmental impacts that these phenomena would manifest on the marsh/estuarine biota are well recognized. For example, the available food supplies are dependent to a large degree upon existing water quality characteristics. Also, many important fin- and shell-fish species are adversely impacted by lowered water quality during critical stages in their lifecycles. Similarly the subject fishery areas, including spawning and breeding areas, could be limited by this reduced water quality.

It is important to note the cumulative effect of the action on the area's fish and wildlife. Approximately 550 additional acres of intertidal wetlands would be removed from natural interaction with the waters of the Santee Delta estuary. Approximately 19,837 acres (41%) of the total marsh area of the estuary are already impounded and are no longer providing natural system benefits. Hence, in both the individual and cumulative sense, this additional 2% loss of the estuary's wetlands can neither be viewed as an isolated incident nor construed as insignificant.

The artificial isolation from the remainder of the marsh by impoundment construction would be instrumental in diminishing the current fish and wildlife potential of the site. For example, the imposed management practices alter the natural mix of bird, mammalian, amphibian, and reptilian species which presently inhabit the site. Effluent release schedules from the impoundments are not normally attuned to the usual pulses of detritus and nutrients which occur from the unaltered marsh. This artificial regime often adversely affects the marsh biota. The release of effluent from the impoundment by a set schedule rather than the natural, metered release from an unaltered marsh can be detrimental to fish and wildlife by lowering the dissolved oxygen in the water column, elevating turbidity and ion levels, changing detrital regimes, and seriously disrupting the timing and availability of food sources for various life stages of estuarine biota.

Issuance of this permit will also result in excluding the public from the recreational experiences available in the tidal waterways leading to Minim Creek and Duck Creek, and also from the entire portion of the wetland to be impounded, much of which is below the level of mean high tide. Approximately 39,775 feet of small water channels lie within the area to be impounded. EPA believes that the public has a right to continued recreational use of the natural and man-altered creeks and the long-abandoned man-made canals tributary to Minim Creek, Cork Creek, and Little Duck Creek.

The applicant submits that research is a primary purpose of the project, i.e., a comparison of the ecology of impoundments with that of surrounding wetlands. However, EPA questions the necessity for such research on such a valuable fish and wildlife nursery, feeding, breeding, etc. habitat in view of the University of South Carolina's comprehensive marsh ecology study already underway on state-owned property in the vicinity. Given the relatively permanent nature of the conversion of natural marsh to an impoundment and the demonstrated fish and wildlife alterations therefrom, EPA also questions whether such research requires hundreds of acres of functional tidal wetlands.

Therefore, based on a thorough site re-evaluation and review of all available information, the Regional Administrator of Region IV is of the opinion that the conversion of the wetland area in question could result in an unacceptable adverse effect on shellfish beds and

fishery areas (including spawning and breeding areas) and wildlife, or recreational areas. EPA proposes to prohibit the specification of this wetland site for disposal of dredged or fill materials due to the direct loss of fish and wildlife habitat, loss of detrital materials which are exported to downstream fisheries by tidal exchange and the loss of the natural water filtration mechanisms which are important in maintaining suitable fish and wildlife habitat.

FOR FURTHER INFORMATION CONTACT:
E.T. Heinen, Chief, Environmental Assessment Branch, Office of Policy and Management, Environmental Protection Agency, 345 Courtland Street, Atlanta, Georgia 30365, (404) 881-7901.

Dated: July 13, 1984.

Charles R. Jeter,

Regional Administrator, Region IV.

[FR Doc. 84-19479 Filed 7-25-84; 8:45 am]

BILLING CODE 6560-50-M

[OW-FRL-2637-1]

Water Pollution Control; Notice of Public Hearing and Proposed Determination To Prohibit Specification of Area as a Disposal Site

In the matter of Public Notice No. IV-404004-HLM (Jack Maybank) issued July 26, 1984.

Under Section 404 of the Clean Water Act (33 U.S.C. 1251 *et seq.*), any person who wishes to discharge dredged or fill material into the waters of the United States, including regulated wetlands, must first obtain a dredge or fill permit from the Secretary of the Army, acting through the Chief of Engineers. However, Section 404(c) of the Clean Water Act (33 U.S.C. 1251 *et seq.*) authorizes the Administrator of the U.S. EPA to prohibit the specification (including the withdrawal of specification) of any defined area as a disposal site, or to deny or restrict the use of any defined area for specification as a disposal site, whenever he determines, after notice and opportunity for public hearing, that the discharge of dredged or fill materials into such area will have an unacceptable adverse effect on municipal water supplies, shellfish beds and fishery areas (including spawning and breeding areas), wildlife, or recreational areas. The procedures for implementation of 404(c) are set forth in 40 CFR Part 231. This notice of the proposed determination and public hearing is being published in accordance with 40 CFR 231.3 by the Regional Administrator

of the EPS's Region IV in Atlanta, Georgia.

The Corps of Engineers issued the original public notice on December 6, 1982, for Mr. Jack Maybank (82-2D-263). That proposal would have resulted in the impoundment of approximately 2,000 acres of wetlands adjacent to the south Edisto River in Charleston County, South Carolina. On October 14, 1983, the Corps of Engineers provided notice of the applicant's revised plans. The revised project consists of constructing approximately 47,000 linear feet of new embankments with approximately 95,000 cubic yards of material excavated from adjacent wetland areas. The work would result in the creation of two separate impoundments totaling approximately 900 acres. The primary purpose of this work is to create private impoundments for duck hunting.

EPA proposes to prohibit the specification of the wetland area described herein as a disposal site for dredged or fill materials under the provisions set forth in 40 CFR Part 231, based on the unacceptable adverse effects which could result on shellfish beds and fishery areas (including spawning and breeding areas), wildlife areas, and recreational areas. In accordance with 40 CFR 231.4, I find that it would be in the public interest to hold a hearing on the proposed determination.

Purpose of Public Notice

This notice serves as a notice of the proposed determination and public hearing on Mr. Jack Maybank's permit 82-2-D-263. Region IV would like to obtain comments on EPA's proposal to prohibit disposal on the wetlands in question and whether or not the impacts on such disposal represent an unacceptable adverse effect as described in Section 404(c) of the Clean Water Act.

Hearing Date

September 6, 1984, beginning at 7:00 p.m.

Hearing Location Address

Physician's Auditorium, College of Charleston, George Street, Charleston, South Carolina

Comments may be submitted prior to the hearing or presented at the hearing. The hearing record will remain open after the hearing until close of business, September 21, 1984, for the submittal of written comments. Comments submitted prior to or after the hearing, or requests for copies of this proposed determination, should be submitted to EPA's designated Record Clerk, Ms. Earline Hanson, Office of Policy and

Management, Environmental Protection Agency, 345 Courtland Street, N.E., Atlanta, Georgia 30365. Oral and written comments should directly address whether the proposed determination should become the final determination or whether corrective action could be taken to reduce the adverse impact of the dischargers. All such comments will be considered in reaching my decision to either withdraw the proposed determination or to prepare a recommended determination to prohibit specification, or to deny or restrict, the use for specification of the area as a disposal site. If a recommended determination is made, it and the administrative record will be forwarded to the Administrator of EPA for review and the making of the final determination. The procedures to be used by the Administrator in making the final determination are specified at 40 CFR 231.6.

Copies of all comments submitted in response to this notice will be available for public inspection during normal working hours (8:00 a.m. to 4:30 p.m.) at the U.S. EPA office at the address above.

Hearing Procedures

a. Howard D. Zeller, Assistant Regional Administrator for Policy and Management, EPA Region IV, will be the Presiding Officer at the hearing.

b. Any person may appear at the hearing and submit oral or written statements, and may be represented by counsel or other authorized representative. Any person may present written statements for the hearing file prior to the time the hearing file is closed to public submissions, and may present proposed findings and recommendations. The Presiding Officer shall afford the participants an opportunity for rebuttal.

c. The Presiding Officer will establish reasonable limits on the nature, amount or form of presentation of documentary material and oral presentations. No cross examination of any hearing participant shall be permitted, although the Presiding Officer may make appropriate inquiries of any such participant.

d. The hearing file will be open for submission of written comments until close of business, September 21, 1984.

Background

Approximately 200 acres of Mr. Maybank's extensive holdings on Jehosee Island are currently impounded. The area proposed for additional impoundment consists of brackish marsh. Portions of the entire site were once impounded for rice culture;

however, the dike system was allowed to deteriorate to the extent that tidal access now occurs. This tidal exchange allows attendant detrital export and ingress and egress of estuarine fauna. Detritus from naturally occurring wetland plant species there serves as a fundamental element in the food chain of the area's indigenous marsh/estuarine biota. The marsh and water courses also provide valuable feeding nursery and spawning habitat for various forms of finfish, shellfish and other wildlife. In addition, the public currently has access to the permit site for certain recreational pursuits through the numerous watercourses which traverse the area.

The wetlands at the Maybank project site are slightly above mean high water and are flooded by approximately 22-25% of the high tides. The Corps conducted a limited tidal survey at the site and it estimated that seventy-five percent of the project area is inundated approximately 189 times a year. EPA scientists visited the site and observed the marsh substrate, tidal movement and amplitude, area vegetation, and litter accumulation. There was an absence of pronounced organic detrital build-up at the site. This tends to verify EPA's contention that the marsh is well flushed by tidal action, assuring normal export of detrital material that contributes to the estuarine food chain for marine biota.

It was for these reasons that following issuance of the public notice dated December 6, 1982, the EPA, National Marine Fisheries Service and the U.S. Fish and Wildlife Service recommended that the permit be denied. The Corps issued a revised public notice on October 3, 1983. The EPA, NMFS, and FWS continued to recommend denial.

Potential Adverse Impact of Permit Issuance

The proposed impoundments would concentrate waterfowl which in turn release large quantities of nutrient-laden feces. These nutrients often induce algal blooms which can severely deplete the oxygen within the water column of the proposed impoundments. Large quantities of waterfowl fecal material would also increase the oxygen demand at the sediment-water interface. Various waterfowl management practices can also affect water quality within, and effluent from, the proposed impoundments. The adverse environmental impacts that reduced water quality can have on the marsh/estuarine biota are well recognized. For example, the available food supplies for estuarine biota are dependent to a large

degree upon existing water quality characteristics. Also, many important fin- and shell-fish species are adversely impacted by lower water quality during critical stages in their life cycles. Similarly, the subject fishery area, including spawning and breeding areas, could be limited by this reduced water quality.

It is important to note the cumulative effect that this action would have on the area's fish and wildlife. This marsh provides valuable habitat for a mix of waterfowl, wading birds, and numerous reptiles. The intertidal marsh which would be affected by the proposal is a vital and finite resource in the St. Helena Sound system. This system, which includes the Ashepoo, Combahee, and Edisto Rivers, already contains 26,000 acres of functional impoundments, 12,000 of which are located within a 3-mile radius of the project site.

Issuance of the subject permit will result in excluding the public from the recreational experiences available in a number of navigable water bodies within and adjacent to the permit site. Approximately twenty-one water courses connect the project site to the South Edisto River at high tide. Some of these channels are currently navigable by outboard motorboat, while others are navigable by canoe or small skiffs. In this instance, EPA believes that the public's right to continued recreational use of those waters should be maintained.

Therefore, based on a thorough site re-evaluation and review of all available information, I am of the opinion that the unnecessary destruction of the wetland area in question could result in an unacceptable adverse effect on shellfish beds and fishery areas (including spawning and breeding areas) and wildlife and/or recreational areas. EPA proposes to prohibit the specification of this wetland site for disposal of dredged or fill materials due to the direct loss of fish and wildlife habitat, loss of detrital materials which are exported to downstream fisheries by tidal exchange, and the loss of assimilative capacity (which aids in purification of waters by removing nutrients and pollutants).

FOR FURTHER INFORMATION CONTACT: E.T. Heinen, Chief, Environmental Assessment Branch, Office of Policy and Management, Environmental Protection Agency, 345 Courtland Street, N.E., Atlanta, Georgia 30365, (404) 881-7901.

Dated: July 13, 1984.

Charles R. Jeter,
Regional Administrator, Region IV.

[FR Doc. 84-19478 Filed 7-25-84; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-44008; FRL-2637-6]

Alkyl Phthalates, 2-Phenoxyethanol, Calcium Naphthenate, Chloromethane, and Chlorinated Paraffins; Receipt of Test Data

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the data submissions received by EPA during the second quarter of 1984 from negotiated testing programs and other industry testing programs accepted by EPA in lieu of requiring testing under section 4 of the Toxic Substances Control Act (TSCA). These submissions include static acute toxicity of a number of alkyl phthalates to mysid shrimp and midge, a dermal teratology probe study on 2-phenoxyethanol, a reproduction study on calcium naphthenate, a reproduction study on chloromethane, and teratology and acute toxicity studies on chlorinated paraffins.

FOR FURTHER INFORMATION CONTACT: Edward A. Klein, Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-543, 401 M Street SW., Washington D.C. 20460, Toll Free: (800-424-9065), In Washington, D.C.: (554-1404), Outside the USA: (Operator-800-554-1404).

SUPPLEMENTARY INFORMATION: Section 4(d) of TSCA requires EPA to issue a notice in the Federal Register reporting on any test data received pursuant to test rules promulgated under section 4(a). Although not required by section 4(d), EPA also periodically publishes notices of receipt of data from negotiated testing programs and other industry programs whose conduct led EPA not to require testing through test rules. This notice announces test data submissions received during the second quarter of 1984 from such industry testing programs under TSCA.

I. Alkyl Phthalates

The Chemical Manufacturers Association (CMA), on behalf of the Phthalates Esters Program Panel, is conducting testing on a number of alkyl phthalates, alkyl diesters of 1,2-benzenedicarboxylic acid, which are primarily used as plasticizers. The CMA's proposal was accepted by the Agency in lieu of a test rule under

section 4 of TSCA and is described in the Federal Register of October 30, 1981 (46 FR 53775).

EPA received the following test results on May 1, 1984. Results of a 96-hour static acute toxicity study on mysid shrimp (*Mysidopsis bahia*) and 48-hour static acute toxicity study on midge (*Paratanytarus parthenogenica*) have been received for: dimethyl phthalate (CAS #131-11-3), diethyl phthalate (CAS #84-66-2), di-n-butyl phthalate (CAS #84-74-2), dihexyl phthalate (CAS #146-50-9), 2-ethylhexyl phthalate (CAS #85-69-8), di(n-hexyl, n-octyl, n-decyl) phthalate (CAS #25724-58-7), di(2-ethylhexyl) phthalate (CAS #117-81-7), diisooctyl phthalate (CAS #27554-26-3), diisononyl phthalate (CAS #28553-12-0), diisodecyl phthalate (CAS #26761-40-0), diundecyl phthalate (CAS #3648-20-2), ditridecyl phthalate (CAS #119-06-2). The highest no-discernable-effect concentration was measured in both studies for all listed compounds.

II. 2-Phenoxyethanol

An *ad hoc* group of the domestic producers of 2-phenoxyethanol (2-PE, CAS #122-99-6) is conducting a testing program on this substance which is primarily used as a coalescing agent in latex paints and also as a solvent, chemical intermediate, and cosmetic preservative or fragrance. EPA's decision on 2-PE was published in the Federal Register of May 21, 1984 (49 FR 21407).

On June 5, 1984, EPA received the results of a dermal teratology probe study. Recommended dose levels for the teratology study have been determined from this probe study.

III. Calcium Naphthenate

Shell International Chemical Company is conducting health effects testing on calcium naphthenate (CAS #61789-36-4), a paint and ink drier and additive in marine diesel fuels. EPA published its decision on this chemical in the Federal Register of May 21, 1984 (49 FR 21411).

Results of a one-generation reproduction study on rabbits, indicating no adverse effects following dermal application, were received on May 7, 1984.

IV. Chlorinated Paraffins

The Consortium of Chlorinated Paraffins Manufacturers is conducting a negotiated testing program on chlorinated paraffins, substances used primarily as flame retardants and plasticizers. This testing program, described in full in the Federal Register of January 8, 1982 (47 FR 1017), was

accepted by EPA in lieu of a chlorinated paraffins test rule under section 4 of TSCA.

On April 24, 1984, EPA received the results of the following studies: a 13-week dietary toxicity study in rats on the short-chain paraffin of 58 percent chlorination, which determined the no-effect-level; an oral single-dose gavage teratology study on rats on the intermediate chain paraffin of 52 percent chlorination which showed no teratogenic effect at any level; and an oral gavage teratology study in rats on the long-chain paraffin of 70 percent chlorination with no teratogenic response at any dose level.

V. Chloromethane

The Chemical Industry Institute of Toxicology, under the sponsorship of the Methyl Chloride Industry Association, is conducting a testing program on chloromethane (methyl chloride, CAS #74-87-3). This compound is primarily used as a chemical intermediate in the manufacture of silicones, tetramethyl lead, methylating agents, and some pesticides, and for nonintermediate uses in butyl rubber manufacture, foam blowing, and as refrigerant. EPA published a proposed test rule for chloromethane in the *Federal Register* of July 18, 1980 (45 FR 48538), for oncogenicity and teratogenicity testing.

On April 16, 1984, EPA received the results of a 2-generation inhalation reproductive study on rats. No-effect-level was determined and reproductive effects at other concentrations were reported.

VI. Public Record

EPA has established a public record for this quarterly receipt of data notice (docket number OPTS-44008). This record includes copies of all studies reported in this notice. The record is available for inspection from 8 a.m. to 4 p.m. Monday through Friday, except legal holidays, in the OPTS reading room, E-107, 401 M Street SW., Washington, D.C. 20460.

Dated: July 17, 1984.

Don R. Clay,

Director, Office of Toxic Substances.

[FR Doc. 84-19748 Filed 7-25-84; 9:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection Requirement Submitted to Office of Management and Budget for Review

July 19, 1984.

The Federal Communications Commission has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511.

Copies of the submission are available from Doris R. Peacock, Agency Clearance Officer, (202) 632-7513. Persons wishing to comment on this information collection should contact Martin Wagner, Office of Management and Budget, Room 3235 NEOB, Washington, DC 20503, (202) 395-4814. OMB No.: 3060-0039

Title: Application for a New or Modified Common Carrier Microwave Radio Station License Under Part 21

Form No.: FCC 436

Action: Extension

Respondents: Applicants for common carrier microwave radio station license and authority to operate a point-to-point microwave, local TV transmission, or multipoint distribution radio station

Estimated Annual Burden: 3,200

Responses: 1,600 Hours.

William J. Tricarico,
Secretary, Federal Communications Commission.

[FR Doc. 84-19720 Filed 7-25-84; 8:45 am]

BILLING CODE 6712-09-M

[Report No. 1469]

Petitions for Reconsideration of Actions in Rulemaking Proceedings

July 19, 1984.

The following listings of petitions for reconsideration filed in Commission rulemaking proceedings is published pursuant to 47 CFR 1.429(e). Oppositions to such petitions for reconsideration must be filed within 15 days after publication of this Public Notice in the *Federal Register*. Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Amendment of Part 76, Subpart J, of the Commission's Rules and Regulations Relative to Cable Television Systems; and Postponement of Divestiture Requirement of § 76.501 Relative to Prohibited Cross-Ownership in Existence on or before July 1, 1970. (Docket No. 20423)

Filed by: Bert W. Rein, John C. Quale & James R. Bayes, Attorneys for Marsh Media, Ltd. on 7-6-84.

Subject: Amendment of the Commission's Rules to Allow the Selection from Among Mutually Exclusive Competing Cellular Applications Using Random Selection or Lotteries Instead of Comparative Hearings. (CC Docket No. 83-1096)

Filed by: Henry Geller & Donna Lampert on 6-6-84. William S. D'Amico, J. Peter Luedtke & Cornelius J. Golden, Jr., Attorneys for American Financial Corporation on 7-5-84. W. Randolph Young, Attorney for Coastal Utilities, Inc., on 7-6-84. William J. Franklin & Paulette B. Peltz, Attorneys for Maxcell Telecom Plus, Inc., on 7-10-84.

Subject: Investigation of Access and Divestiture Related Tariffs. (CC Docket No. 83-1145)

Filed by: Samuel A. Simon, Executive Director for Telecommunications Research and Action Center on 7-6-84.

Subject: Amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations (Paris, Illinois) (RM-4686)

Filed by: John C. Quale, Barry D. Wood & Anne D. Neal, Attorneys for Pyramid Broadcasting Corporation of Illinois on 7-6-84.

William J. Tricarico,
Secretary, Federal Communications Commission.

[FR Doc. 84-19717 Filed 7-25-84; 8:45 am]

BILLING CODE 6712-01-M

[Docket No. 84-659; File No. BPCT-840412KG; et al.]

Womens Media Investors of Dallas, Ltd., et al; Hearing Designation Order

In re applications of Womens Media Investors of Dallas, Ltd., (MM Docket No. 84-659 File No. BPCT-840412KG), Opal Thornton, (MM Docket No. 84-660 File No. BPCT-840413KE), Poplar Lake Telecasters, Ltd., (MM Docket No. 84-661 File No. BPCT-840413LL), Gordon McLendon, Inc., (File No. BPCT 840125KF), Charisma Broadcasting Corp., (File No. BPCT 840413KG) and Linda Seto & Associates, Inc.,¹ (File No. BPCT

¹ Seto amended its application on June 4, 1984, to change its name from Linda E. Corn d/b/a Linda Seto and Associates, Inc. On June 15, 1984, Seto filed a petition for leave to amend its application. For good cause shown, the petition is granted and the amendment accepted for Section 1.65 purposes only.

840413LM), for construction permit for new TV station, Channel 55, Lake Dallas, Texas.

Adopted: June 29, 1984.

Released: July 17, 1984.

By the Chief, Mass Media Bureau.

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has before it for consideration, the above-captioned mutually exclusive applications of Gordon McLendon, Inc. (McLendon), Womens Media Investors of Dallas, Ltd. (Media), Opal Thornton (Thornton), Charisma Broadcasting Corporation (Charisma), Poplar Lake Telecasters, Ltd. (Poplar), and Linda Seto & Associates, Inc. (Seto) for authority to construct a new commercial television station on Channel 55, Lake Dallas, Texas, informal objections filed by the Association of Maximum Service Telecasters, Inc. (AMST) against McLendon, Seto, and Charisma, and related pleadings.

2. McLendon, Seto and Charisma each plan to locate its transmitter on a tower at the Cedar Hill, Texas "antenna farm", just south of Dallas. § 73.610(d) and Table IV of § 73.698 of the Commission's Rules require any station on Channel 55 to be separated from a station on channel 58 by at least 20 miles in order to avoid intermodulation interference. Interference could be caused to any licensee operating on Channel 51, 52, 53, 60, 61 or 62. In this case, Channel 52 is allocated to Fort Worth, Texas and is currently vacant. Channel 58 is assigned to Dallas, Texas, and there are presently nine applicants for Channel 58 pending in hearing. Five of those pending applicants propose the same site as McLendon, Seto and Charisma, in the Cedar Hill "antenna farm." McLendon, Seto, and Charisma will, therefore, each be 16 miles from the reference point for Channel 58 at Dallas, short of the minimum separation by 4 miles. More importantly, the three Lake Dallas applicants will be 20 miles or 100% short-spaced to five of the Dallas applicants for Channel 58. Additionally, McLendon, Seto, and Charisma will be 17 to 19.6 miles short-spaced to the remaining Dallas applicants. AMST has filed informal objections to each of the three applications. AMST alleges that none of the applicants has demonstrated that no fully spaced sites are available or that the use of short-spaced transmitter sites, with resulting interference, is in the public interest.

3. Because there are no pending applications for Channel 52, McLendon asserts that there is no reason to adhere to the 20-mile separation requirement. Seto argues, in essence, that the standard used by the Commission is an

"extremely conservative approach to avoid the problem * * *." Charisma similarly attacks the continuing validity of the rule due to advances in new broadcast equipment that may have eliminated the need for the specified separation. It is also alleged that future applicants for Channel 52 cannot locate in the Cedar Hill area because of spacing restrictions imposed by other allocations, so that the interference caused by the proximity of the Channels 55 and 58 transmitters will not occur. Charisma states that the Commission has permitted the collocation of second adjacent television translator stations with no apparent harm. It alleges, by analogy, that the third-adjacent interference involved in this case will present no problems. Each waiver request concludes that no interference will occur or that because no station is now operating on Channel 52, no analysis can or should be made with regard to potential interference.

4. We strongly disagree with the conclusions reached by these three applicants. First, to the extent that the applicants challenge the general underlying premises for the 20-mile standard, the appropriate course would be a rule making proceeding, not a waiver request. (In any event, as indicated below, we believe the 20-mile requirement has current validity.) Second, even when viewed as a waiver request, the showings submitted are insufficient.

In that regard, it must be emphasized that the deviation proposed is not minor: the applicants seek a 20-mile waiver of a 20-mile standard. It is axiomatic that the greater the deviation from the requirements of the rule, the higher the burden placed on those seeking waivers. When dealing with waivers of the mileage separation requirements, we have required a showing of the unavailability of suitable fully spaced sites. See, e.g., *Townsend Broadcasting Corp.*, 62 FCC 2d 511 (1976). The three applicants have not made such a showing, which, by itself, is fatal to the waiver requests. In fact, such a showing would be very difficult to make because the remaining applicants in this case have specified fully spaced sites.

5. As another independent ground for denying a waiver, the three applicants have not established the absence of serious interference to any future operation on Channel 52. Indeed, a contrary conclusion is in order. The nature of the interference involved is not created by two signals causing interference to each other. Rather, the presence of two strong signals (even where spurious emissions are suppressed 80 db or more) will

intermodulate (or "mix") within television receivers so as to interfere with the reception of other channels—Channel 52 in this case. Thus, improvements in transmitting equipment will not eliminate intermodulation interference.² The argument that a Channel 52 transmitter cannot be located near Cedar Hill also misses the mark. The presence of two strong signals from stations operating on Channels 55 and 58 from the Cedar Hill area will interfere with Channel 52 reception, especially where the Channel 52 signal is relatively weak. Virtually any station operating on Channel 52, Fort Worth, can be expected to place a viewable signal into the Cedar Hill area, so interference must be anticipated. Receiver manufacturers, moreover, are aware of our spacing requirements and have little incentive to design and manufacture receivers, at additional cost, that would avoid or minimize intermodulation interference. Receivers may someday be improved in this regard, but that possibility is not an answer to a complaint of interference from people buying today's equipment. Thus, we have no reason to believe, and the applicants have not shown, that advances in technology have eliminated the interference problem here.

6. Nor do the few examples given by Charisma as to second adjacent channel, collocated television translator stations persuade us of the probable absence of objectionable intermodulation interference. Translators are not assigned under a table of channel allocations, with built in spacing requirements. Instead, they are relatively low power operations that are assigned only upon a showing that they will not create interference to existing authorizations. Further, translators are a secondary service and, if interference is caused to existing stations, can be compelled without a hearing to leave the air until the problem is resolved. 47 CFR 74.703 (Contrast 47 U.S.C. 312(b) and 318 with regard to full-service television stations.) Resolution of any unanticipated interference problems can be handled by taking the translator off the air, an easily available safety valve not present for full-service stations. The lower power typically used

² In fact, the letters submitted by transmitter manufacturers in Charisma's waiver request are not to the contrary. One letter states that no intermodulation products would be radiated from the Channel 55 and 58 stations, but does not refer to intermodulation products within the receiver. A second letter states that attenuation of sidebands "coupled with the rejection characteristics of receivers" could form the basis for a waiver, but only after "a study into the selectivity of receivers." Charisma submitted no such study.

by translators will generally limit the area and degree of any interference problems.

7. Two of the examples provided by Charisma identify only two adjacent-channel translators. As intermodulation interference will be caused by these stations only to a third, nearby station, and because no information is provided as to the presence of such a third station (we are not independently aware of such stations), these examples do not support the applicants' position. Charisma's third example can also be distinguished from the present case. There are, in fact, four television translator stations on the Empire State Building in New York City operating on Channels 60, 62, 64 and 66. They operate with 45 kW, 1 kW, 69 kW and 8 kW, respectively. The alternating higher and lower powers used minimize the area where a receiver is subject to two strong adjacent signals. The relatively weak 1 kW and 8 kW stations determine the locations where intermodulation may occur, and that is much closer to those stations than it would be to two adjacent Channel 50 kW stations, for example. In this case, there is no chance that either the Channel 55 or the Channel 58 station will be even a relatively low power operation. All of the Channel 55 applicants propose to operate at or near 5,000 kW and five of the Channel 58 applicants are at the same power. Thus, the analogy to television translators that the applicants would have us make is not persuasive.

8. Charisma states that the use of traps and filters on receivers would eliminate the problem. If this were a close case, and if the applicants had made a strong showing of other public interest factors, such a proposal might be considered. Because this is not a close case and no sufficient public interest justification has been alleged, we do not believe that we should saddle prospective Channel 52 applicants with this handicap. Finally, Charisma states that it would accept a grant conditioned so as to compel a move to a fully spaced site after three years should intermodulation and/or cross modulation interference effects prove to be substantially impossible to eliminate. Why we should tolerate three years of interference is not explained, nor is the standard to judge "substantially impossible to eliminate" defined. Because this case involves receiver interference, studies to determine the geographic extent and degree of interference are particularly burdensome. We reject the request for a conditioned grant.

9. In our view, the result of a grant of any of the three waivers would effectively turn Channel 52 into a less desirable allocation such that any operation would not be well received within an area that should be interference free under the standards underlying the nationwide table of assignments. In the absence of a sufficient showing to support an unprecedented request for a 100 percent waiver of the 20-mile spacing requirement, we shall deny the waiver requests of McLendon, Seto and Charisma as contrary to the public interest and dismiss their applications. *United States v. Storer Broadcasting Co.*, 351 U.S. 192 (1956).

10. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which each would serve. Consequently, for the purpose of comparison, the areas and populations which would receive television service of 64 dBu or greater intensity (Grade B), together with the availability of other primary television services in such areas, will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to any of the applicants.

11. No determination has been reached that the tower heights and locations specified by Media, Thornton and Poplar would not constitute a hazard to air navigation.³ Accordingly, an appropriate issue will be specified.

12. Section 73.685(f) of the Commission's rules requires an applicant proposing to use a directional antenna to include a tabulation of relative field pattern, oriented so that 0° corresponds to True North and tabulated at least every 10° plus any minima or maxima. Poplar has not supplied this data. Accordingly, the applicant will be required to submit an amendment with the appropriate information to the presiding Administrative Law Judge and a copy to the TV Branch, Mass Media Bureau, within 20 days after the date of the release of this Order.

13. Since grant of Poplar's application would constitute a major environmental action as defined by § 1.1305(a) of the Commission's Rules, Poplar is required to submit the environmental impact information described in § 1.1311. Poplar has not filed an environmental narrative statement. Accordingly, Poplar will be required to file, within 20 days of the release of this Order, an environmental

narrative statement with the presiding Administrative Law Judge. In addition, a copy shall be filed with the Chief, Television Branch, who will then proceed in accordance with the provisions of § 1.1313(b). Accordingly, § 1.1317 of the Rules will be waived to the extent that the comparative phase of the case will be allowed to begin before the environmental phase is completed. See, *Golden State Broadcasting Corp.*, 71 FCC 2d 229 (1979) *recon. denied sub nom. Old Pueblo Broadcasting Corp.*, 83 FCC 2d 337 (1980).

14. Applicants for new broadcast stations are required to give local notice of the filing of their applications, in accordance with § 73.3580 of the Commission's Rules. They must then file proof of publication of such notice or certify that they have or will comply with the public notice requirement. We have no evidence, however, that Thornton has done either. If she has not already done so, Thornton will be required to file a statement that she has or will comply with the public notice requirement with the Administrative Law Judge within 20 days of the release of this Order.

15. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. Since these applications are mutually exclusive, the Commission is unable to make the statutory finding that their grant will serve the public interest, convenience, and necessity. Therefore, the applications must be designated for hearing in a consolidated proceeding on the issues specified below.

16. Accordingly, it is ordered, That the requests for waiver of § 73.610(d) of the Rules filed by McLendon, Seto, and Charisma are denied, and their applications are dismissed.

17. It is further ordered, That the Informal Objections filed by The Association of Maximum Services Telecasters, Inc., to the applications filed by McLendon, Seto and Charisma are granted.

18. It is further ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications of Media, Thornton and Poplar are designated for hearing in a consolidated proceeding, to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. If a final environmental impact statement is issued with respect to Poplar which concludes that the proposed facilities are likely to have an

³The Commission is not in receipt of FAA's determination for the tower proposed by Thornton.

adverse effect on the quality of the environment.

(a) to determine whether the proposal is consistent with the National Environment Policy Act, as implemented by §§ 1.1301-1319 of the Commission's Rules; and

(b) whether, in light of the evidence adduced pursuant to (a) above, the applicant is qualified to construct and operate as proposed.

2. To determine whether there is reasonable possibility that the tower heights and locations proposed by Media, Thornton and Poplar would constitute a hazard to air navigation.

3. To determine which of the proposal would, on a comparative basis, best serve the public interest.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

18. It is further ordered, That Poplar shall submit an amendment providing the information required by § 73.685(f) of the Commission's Rules, to the presiding Administrative Law Judge and a copy of the TV Branch, Mass Media Bureau, within 20 days after the date of the release of this Order.

19. It is further ordered, That Poplar shall submit an environmental narrative statement, which meets the requirements of § 1.1311 of the Commission's Rules to the presiding Administrative Law Judge and to the Chief, Television Branch, within 20 days after this Order is released.

20. It is further ordered, That Thornton shall file certification with the presiding Administrative Law Judge, within 20 days after this Order is released, that she has or will comply with § 73.3580 of the Commission's Rules.

21. It is further ordered, That the Federal Aviation Administration is made a party respondent to this proceeding with respect to Issue 2.

22. It is further ordered, That, to avail themselves of the opportunity to be heard, that applicants and party respondent herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

23. It is further ordered, That the applicants here in shall pursuant to section 311(a)(2) of the Communications Act of 1934, as amended and § 73.3594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the

publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Roy J. Stewart,

Chief, Video Service Division, Mass Media Bureau.

[FR Doc. 84-19715 Filed 7-25-84; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-REP-5-OH-2]

Ohio Plan for Response to Radiation Emergencies at Licensed Nuclear Facilities (Revision of 1984)

AGENCY: Federal Emergency Management Agency.

ACTION: Notice of Receipt of Plan.

SUMMARY: For continued operation of nuclear power plants, the Nuclear Regulatory Commission requires approved licensee and State and local governments' radiological emergency response plans. Since FEMA has the responsibility for reviewing the State and local government plans, the State of Ohio has submitted its radiological emergency plans to the FEMA Regional Office. These plans provide the required offsite emergency response to an accident at the Duquesne Light Company's Beaver Valley Power Station located in Beaver County, Pennsylvania, which impacts on Ohio and Columbiana County.

Date Plans Received: June 21, 1984.

FOR FURTHER INFORMATION CONTACT: Mr. Edward J. Roche, Sr., Regional Director, FEMA Region V, 300 South Wacker, 24th Floor, Chicago, Illinois 60606, (312) 353-1500.

SUPPLEMENTARY INFORMATION: In support of the Federal requirement for emergency response plans, FEMA Rule 44 CFR 350.12 (FEMA Headquarters Review and Approval) describes the procedures for review and approval of State and local governments' radiological emergency response plans. Pursuant to the Rule, the Ohio Plan for Response to Radiation Emergencies at Licensed Nuclear Facilities and the Beaver Valley Emergency Response Plan was received by the Federal Emergency Management Agency Region V. Included are plans for local governments which are wholly or partially within the plume exposure pathway emergency planning zone.

Copies of the Plan are available for review at the FEMA Region V Technological Hazards Branch, Natural and Technological Hazards Division, Federal Center, Battle Creek, Michigan

49016. Copies will be made available upon request in accordance with the fee schedule for FEMA Freedom of Information Act requests, as set out in 44 CFR Part 5. There are 414 pages in the document; reproduction fees are \$.10 a page payable with the request for copy.

Comments on the Plan may be submitted in writing to Mr. Edward J. Roche, Sr., Regional Director, at the above address within thirty days of this Federal Register Notice.

FEMA Rule 44 CFR 350.10 calls for a public meeting prior to approval of the plans. A public meeting was held on the State and local government plans for the Beaver Valley Power Station on August 24, 1983, at 7:00 p.m., at the Westgate School, East Liverpool, Ohio.

Dated: July 18, 1984.

Edward J. Roche, Sr.,
Regional Director.

[FR Doc. 84-19735 Filed 7-25-84; 8:45 am]

BILLING CODE 6718-01-M

[FEMA-716-DR]

Nebraska; Amendment to Notice of a Major-Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the Notice of a major disaster for the State of Nebraska (FEMA-716-DR), dated July 3, 1984, and related determinations.

DATE: July 19, 1984.

FOR FURTHER INFORMATION CONTACT: Sewall H.E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0501.

SUPPLEMENTARY INFORMATION:

Notice

The notice of a major disaster for the State of Nebraska dated July 3, 1984, is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of July 3, 1984:

Howard County for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Samuel W. Speck,
Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 84-19731 Filed 7-25-84; 8:45 am]

BILLING CODE 6718-02-M

(FEMA-718-DR)**Nebraska; Major Disaster and Related Determinations**

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Nebraska (FEMA-718-DR), dated July 19, 1984, and related determinations.

DATED: July 19, 1984.

FOR FURTHER INFORMATION CONTACT:

Sewall H.E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287-0501.

Notice

Notice is hereby given that, in a letter of July 19, 1984, the President declared a major disaster under the authority of the Disaster Relief Act of 1974, as amended, (42 U.S.C. 5121 *et seq.*, Pub. L. 93-288) as follows:

I have determined that the damage in certain areas of the State of Nebraska, resulting from severe storms and tornadoes beginning on or about April 25, 1984, is of sufficient severity and magnitude to warrant a major-disaster declaration under Public Law 93-288. I therefore declare that such a major disaster exists in the State of Nebraska.

In order to provide Federal assistance, you are hereby authorized to allocate, from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under Pub. L. 93-288 for Public Assistance will be limited to 75 percent of total eligible costs in the designated area.

Pursuant to Section 408(b) of Pub. L. 93-288, you are authorized to advance to the State its 25 percent share of the Individual and Family Grant program, to be repaid to the United States by the State when it is able to do so.

The time period prescribed for the implementation of Section 313(a), priority to certain applications for public facility and public housing assistance, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, and redelegated to me, I hereby appoint Ms. Joan F. Hodgins of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Nebraska to have

been affected adversely by this declared major disaster.

Howard County for Individual Assistance and Public Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Samuel W. Speck,

Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 84-19732 Filed 7-25-84; 8:45 am]

BILLING CODE 6718-02-M

(FEMA-717-DR)**South Dakota; Major Disaster and Related Determinations**

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of South Dakota (FEMA-717-DR), dated July 19, 1984, and related determinations.

DATE: July 19, 1984.

FOR FURTHER INFORMATION CONTACT:

Sewall H.E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0501.

Notice

Notice is hereby given that, in a letter of July 19, 1984, the President declared a major disaster under the authority of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5121 *et seq.*, Pub. L. 93-288) as follows:

I have determined that the damage in certain areas of the State of South Dakota, resulting from severe storms and flooding beginning on July 11, 1984, is of sufficient severity and magnitude to warrant a major-disaster declaration under Pub. L. 93-288. I therefore declare that such a major disaster exists in the State of South Dakota.

In order to provide Federal assistance, you are hereby authorized to allocate, from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under Pub. L. 93-288 for Public Assistance will be limited to 75 percent of total eligible costs in the designated area.

The time period prescribed for the implementation of Section 313(a), priority to certain applications for public facility and public housing assistance, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management

Agency under Executive Order 12148, and redelegated to me, I hereby appoint Mr. David P. Grier IV of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of South Dakota to have been affected adversely by this declared major disaster:

The following counties for Public Assistance only:

Aurora	Lincoln
Bon Homme	McCook
Charles Mix	Minor
Clay	Moody
Hanson	Turner
Hutchinson	Union
Kingsbury	Yankton
Lake	

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Samuel W. Speck,

Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 84-19733 Filed 7-25-84; 8:45 am]

BILLING CODE 6718-02-M

FEDERAL FINANCIAL INSTITUTIONS EXAMINATION COUNCIL**Quarterly Report of Assets and Liabilities of U.S. Branches and Agencies of Foreign Banks (Form FFIEC 002)**

AGENCY: Federal Financial Institutions Examination Council.

ACTION: Notice of Request for Comments on a Proposed Revision to the Quarterly Report of Assets and Liabilities of U.S. Branches and Agencies of Foreign Banks (Form FFIEC 002).

SUMMARY: The FFIEC is preparing a major revision of the Report of Assets and Liabilities of U.S. Branches and Agencies of Foreign Banks (Form FFIEC 002) required quarterly by the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System and the Federal Deposit Insurance Corporation pursuant to section 7(c)(2) of the International Banking Act of 1978 (12 U.S.C. 3105(c)(2)). The report serves the supervisory, regulatory and policy needs of the three federal banking agencies that, under the Act, share federal supervisory responsibilities for the U.S. branches and agencies of foreign and Puerto Rican banks. It is also utilized by several state bank supervisors pursuant to their authority over such entities established under state law. The FFIEC proposes that the revised report be implemented as of the March 31, 1985 report date.

The proposed revisions reflect changes in supervisory and regulatory needs for information in light of changes in banking and financial conditions and practices and aim to achieve, to the extent appropriate, definitional and format consistency between the FFIEC 002 report and the Reports of Condition and Income (Call Reports) required to be submitted quarterly to the federal supervisory agencies by U.S.-chartered insured commercial banks. The proposed changes have already been incorporated in the reports submitted by U.S. banks.

As is currently the case, the Federal Reserve will collect and process the report for the three federal supervisory agencies. Each agency and branch, regardless of status, would continue to submit its report within 30 calendar days after the end of each calendar quarter to the Federal Reserve Bank within whose district it is located.

ADDRESS: Comments on this proposal should be submitted in writing to Robert J. Lawrence, Executive Secretary, Federal Financial Institutions Examination Council, 490 L'Enfant Plaza, SW., Eighth Floor, Washington, DC 20219.

FOR FURTHER INFORMATION CONTACT: Stanley J. Sigel, Reports Tank Force (202/452-2696), Board of Governors of the Federal Reserve System.

DATE: Comments must be received on or before September 10, 1984.

SUPPLEMENTARY INFORMATION: The following discusses the main features and highlights of the proposed changes to the FFIEC 002 report. A more detailed description of the specific changes proposed for the FFIEC 002 and a draft copy of the proposed report form may be obtained by writing to the Executive Secretary, Federal Financial Institutions Examination Council.

One major feature of the proposed revisions to the FFIEC 002 report is the provision for the separate identification of specific data of the International Banking Facilities (IBFs) of U.S. branches and agencies of foreign banks. Incorporating this into the FFIEC 002 will allow the Federal Reserve to eliminate the quarterly IBF report (form FR 2074) currently submitted by the U.S. branches and agencies of foreign banks. The identification of the IBF transactions is accomplished by having, for the main statement of assets and liabilities and for several of the schedules, the reporting of both (a) the assets and liabilities of the entire branch or agency including its IBF, and (b) the assets and liabilities of the branch or agency excluding its IBF. This format is analogous to that in the quarterly

condition report required of U.S. chartered banks where both (a) the consolidated bank (including its IBF) and (b) its "domestic" offices (which exclude its IBF) are reported.

Other major features of the proposal include the addition of selected income and expense items (with differentiation between transactions with related and non-related parties) and items for provision of and allowance for loan losses; the addition of supporting schedules for past due loans, for commitments and contingencies, and for selected quarterly averages (replacing, in general, the current requirements for 30-day averages). An item has been added for the market value of securities held. All of these added requirements are for information that is of significance for the effective supervision of the U.S. branches and agencies of foreign banks. All of it is the same as, or similar to, information already being reported by U.S.-chartered insured commercial banks in their quarterly reports to the supervisory agencies.

The proposal also includes a reduction in the amount of detail required on federal funds and security repurchase transactions and the elimination of the schedules for other assets and other liabilities. Information needed by the FDIC for deposit insurance assessment purposes, required only of FDIC-insured branches, which is currently collected by the FDIC in a separate report, would be incorporated into the FFIEC 002.

In addition, the proposal includes a number of specific changes in the definition or treatment of particular transactions and a number of changes in format. Among the items affected by these proposed definitional and format changes—all of which are already incorporated in the reports required of U.S.-chartered banks—are deposits (with transaction and nontransaction accounts distinguished and with some memoranda detail eliminated), loans, obligations of U.S. states and political subdivisions, holdings of acceptances, balances due from other depository institutions, and borrowings from other banks.

As is the case with the current quarterly report required of the branches and agencies, it is proposed that the report be made available to the public on request except for Schedule M, "Due from/Due to Head Office and Other Related Institutions in the U.S. and in Foreign Countries." In addition, conforming to the treatment for the U.S. banks' quarterly reports, the information in the past due loan schedule dealing with loans past-due 30 through 89 days would also be kept confidential; all

other information in the past due loan schedule—"loans past due 90 days or more and still accruing," "loans in nonaccrual status," and "renegotiated troubled debt"—would be available to the public on request.

The Council would particularly like to receive comments on the following matters relating to the proposed revision of the FFIEC 002 report.

1. Treatment of IBFs.
2. Addition of selected income and expense information.
3. Addition of allowance and provision for loan losses.
4. Addition of schedule for past due loans and the public availability of this information.
3. Addition of schedule on commitments and contingencies.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980 (Pub. L. 96-511), the current Report of Assets and Liabilities of U.S. Branches and Agencies of Foreign Banks was submitted to and approved by the Office of Management and Budget (OMB No. 7100-0032). The revision of the report, after consideration of the comments received, will be submitted to OMB.

Relation to Reporting Requirements of State Bank supervisors

There are currently twelve states in which branches and agencies of foreign banks operate. In carrying out their responsibilities under state law, the state bank supervisors, for their own supervisory and informational purposes, set reporting requirements on the state chartered branches and agencies. The development of the current federal report included discussions and negotiations with state supervisors. In obtaining information for their supervisory needs, several of the state banking supervisors use the current FFIEC 002 report form, some use their own report form, and some use the report form for the federal report of condition for U.S. banks.

To the extent that the state authorities are able, under their statutory responsibilities, to use the federal report form and to the extent that the federal form can reflect state needs, reporting burdens can be reduced. Such consistency could be achieved, without restricting in any way the independence of each state supervisor to collect whatever information is deemed necessary for state purposes, if the federal report were such that a state supervisor found it feasible and desirable to utilize the federal report as a core report and to obtain any

additional information needed by the state in a separate report. For states that can use the information in the federal report in lieu of collecting the same information on their own, the federal regulatory agencies are committed to provide the reported data to the state authorities in a mutually satisfactory manner. Each state, of course, decides for itself whether such use of the federal report is consistent with its statutory, supervisory, and policy needs. Such state use of the federal report would not, of course, preclude a state from collecting additional information from state licensed or chartered branches and agencies that is needed by it and that is not covered by the federal report.

In light of this, all state bank supervisors with state chartered or licensed branches and agencies of foreign banks have been asked for their comments and suggestions.

Dated: July 23, 1984.

Rhoger H Pugh,
Acting Assistant Executive Secretary, Federal
Financial Institutions Examination Council.

[FR Doc. 84-19835 Filed 7-25-84; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, D.C. Office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after the date of the *Federal Register* in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 207-010618.

Title: Stolt Tankers Limited

Agreement.

Parties:

Stolt Tankers, Inc.
Parcel Tankers, Inc.
Swire Parcel Tankers Limited
SFTM Parcel Tankers Limited

Synopsis: The proposed agreement would permit the parties to form a joint service to operate parcel and product tanker vessels in the foreign commerce of the United States.

Agreement No.: 221-010619.

Title: Oakland Marine Terminal Agreement.

Parties:

Port of Oakland
EAC Lines Trans Pacific Service.

Synopsis: The proposed agreement would give EAC nonexclusive berthing rights at the port's Charles P. Howard Terminal for the berthing, loading and discharging of its vessels and related operations in its transpacific service. The term of the agreement will be five years.

Dated: July 23, 1984.

By order of the Federal Maritime Commission.

Francis C. Hurney,
Secretary.

[FR Doc. 84-19737 Filed 7-25-84; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Edgewater National Corporation, et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (49 FR 794) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than August 17, 1984.

A. Federal Reserve Bank of New York
(A. Marshall Puckett, Vice President) 33
Liberty Street, New York, New York
10045:

1. *Edgewater National Corporation*, Englewood Cliffs, New Jersey; to become a bank holding company by acquiring 100 percent of the voting shares of Edgewater National Bank, Englewood Cliffs, New Jersey.

B. Federal Reserve Bank of Atlanta
(Robert E. Heck, Vice President) 104
Marietta Street NW., Atlanta, Georgia
30303:

1. *Commercial Capital Corp.*, DeKalb, Mississippi; to become a bank holding company by acquiring 80 percent of the voting shares of Commercial Bank of DeKalb, DeKalb, Mississippi.

2. *First National Corporation of Alexander City, Inc.*, Alexander City, Alabama; to acquire 84 percent of the voting shares of Elmore County National Bank, Wetumpka, Alabama.

C. Federal Reserve Bank of Dallas
(Anthony J. Montelaro, Vice President)
400 South Akard Street, Dallas, Texas
75222:

1. *East Texas Bancshares, Inc.*, Livingston, Texas; to become a bank holding company by acquiring 80 percent of the voting shares of First State Bank of Livingston, Livingston, Texas.

D. Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *Civic Bancorp*, Oakland, California; to become a bank holding company by acquiring 100 percent of the voting shares of CivicBank of Commerce, Oakland, California, a *de novo* bank. Comments on this application must be received not later than August 13, 1984.

Board of Governors of the Federal Reserve System, July 20, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-19707 Filed 7-25-84; 8:45 am]

BILLING CODE 6210-01-M

First National Bancorp, Inc.; Formation of; Acquisition by; or Merger of Bank Holding Companies

The company listed in this notice has applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (49 FR 794) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for

processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that application or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Comments regarding this application must be received not later than August 9, 1984.

A. Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *First National Bancorp, Inc.*, Phoenix, Arizona; to become a bank holding company by acquiring 100 percent of the voting shares of First National Bank of Tempe, Tempe, Arizona.

Board of Governors of the Federal Reserve System, July 20, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-19708 Filed 7-25-84; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Information Collection Under OMB Review; Franchises and Business Opportunities

AGENCY: Federal Trade Commission.

ACTION: Application of OMB under the Paperwork Reduction Act, (44 U.S.C. 3501 *et seq.*) for review of a voluntary survey of businesses subject to the FTC's Franchising and Business Opportunities trade regulation rule.

SUMMARY: The FTC is requesting OMB review under 5 CFR 1320.14 of a mail and telephone survey of small and non-small franchisors for the purpose of evaluating the economic impact of the Franchising rule (Disclosure Requirements and Prohibitions Concerning Franchising and Business Opportunity Ventures, 16 CFR Part 436). The survey is being conducted to meet the objectives of the Regulatory Flexibility Act (Pub. L. 96-354).

DATE: Comments on this request for OMB review must be submitted on or before August 27, 1984.

ADDRESSES: Send comments to Mr. Don Arbuckle, Office of Information Regulatory Affairs, Office of Management and Budget, New Executive Office

Building, Room 3228, Washington, D.C. Copies of the application may be obtained from: Public Reference Branch, Room 130, Federal Trade Commission, Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT:

Thomas J. Maronick, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, (202) 523-4810.

John H. Carley,
General Counsel,

[FR Doc. 84-19775 Filed 7-25-84; 8:45 am]

BILLING CODE 6750-1-M

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the Federal Register.

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisition during the applicable waiting period:

Transaction	Waiting period terminated effective—
(1) 84-0529—Allied Corporation's proposed acquisition of assets of Farmland Industries, Inc.	June 28, 1984.
(2) 84-0578—Estate of Alfred S. Rogers' proposed acquisition of assets of Peerless Cement Company, (Gifford-Hill & Company Incorporated, UPE).	Do.
(3) 84-0581—Robert T. Shaw's proposed acquisition of voting securities of Bankers Life and Casualty Company, (John D. and Catherine T. MacArthur Foundation, UPE).	Do.
(4) 84-00594—The Ohio Mattress Company's proposed acquisition of voting securities of West-America Corporation, d/b/a TrendWest Furniture Manufacturing, (Henry Robinson and David Hoffman, UPE's).	Do.

Transaction	Waiting period terminated effective—
(5) 84-00595—The Ohio Mattress Company's proposed acquisition of voting securities of West-America Corporation, d/b/a TrendWest Furniture Manufacturing, (Henry Robinson and David Hoffman, UPE's).	Do.
(6) 84-00599—Farmers Saving Bank's (Peter F. Anders, UPE) proposed acquisition of voting securities of Security Properties, Incorporated; First Columbia Corporation; First Columbia Mortgage Corporation; Security Properties Development, Incorporated; Security Properties Realty, Incorporated; First Columbia Management, Incorporated; Condominium Services, Incorporated; First Columbia Realty, Incorporated; J. L. Moyer Company, and Southwest Management, Incorporated, (Paul H. Pfeiffer Trust, UPE).	Do.
(7) 84-0606—Consolidated Foods' Corporation's proposed acquisition of voting securities of Peck Meat Packing Corporation, (Bernard & Emmett Peck, UPE's).	Do.
(8) 84-0607—Consolidated Foods' Corporation's proposed acquisition of voting securities of Peck Meat Packing Corporation, (Bernard & Emmett Peck, UPE's).	Do.
(9) 84-0620—Rail Services, Incorporated's (Avery Z. Eliseu, UPE) proposed acquisition of voting securities of Santa Fe Trail Transportation Company, (Santa Fe Southern Pacific Corporation, UPE).	Do.
(10) 84-0628—Dan R. Lasater's proposed acquisition of voting securities of The Angel Fire Corporation, (Tosco Corporation, UPE).	Do.
(11) 84-0567—Ivan F. Boersky's proposed acquisition of voting securities of Fischbach Corporation.	June 29, 1984.
(12) 84-0604—Lomas & Nettleton Financial Corporation's proposed acquisition of assets of Lomas/Advance Venture.	Do.
(13) 84-0618—International Multifoods Corporation's proposed acquisition of voting securities of VSA Incorporated, (Illinois Vendor's Supply Incorporated, UPE).	July 2, 1984.
(14) 84-0601—Ulex Oil Company, (Kenneth Chait, UPE) proposed acquisition of assets of Shell Oil Company (Royal Dutch Petroleum Company, UPE).	July 3, 1984.
(15) 84-0605—Martin Gas Sales, Incorporated's (R. S. Martin, Jr.; UPE) proposed acquisition of voting securities of West Florida Natural Gas Company, (H. M. Lewis, UPE).	Do.
(16) 84-0610—Martin Gas Sales, Incorporated's (R. S. Martin, Jr.; UPE) proposed acquisition of voting securities of West Florida Natural Gas Company, (H. M. Lewis, UPE).	Do.
(17) 84-0556—The Dee Corporation's proposed acquisition of voting securities of Booker McConnell Limited.	July 5, 1984.
(18) 84-0586—Campbell Soup Company's proposed acquisition of assets of Casera Foods, Incorporated, Productos Espanoles, Incorporated, Trigo International, Incorporated, Torres & Ribelles, A. A. and Licasco, Incorporated.	Do.
(19) 84-0603—Coca-Cola Bottling Company's proposed acquisition of voting securities of Federal Coca-Cola Bottling Company.	Do.
(20) 84-0483—Emerson Electric Company's proposed acquisition of voting securities of Micro Motion, Incorporated.	July 6, 1984.
(21) 84-0616—Ampco-Pittsburgh Corporation's proposed acquisition of voting securities of Union Electric Steel Corporation.	Do.
(22) 84-0617—Ampco-Pittsburgh Corporation's proposed acquisition of voting securities of Union Electric Steel Corporation.	Do.
(23) 84-0565—American Express Company's proposed acquisition of voting securities of Midlands Energy Company.	July 10, 1984.

Transaction	Waiting period terminated effective—
(24) 84-0575—DWG Corporation's proposed acquisition of voting securities of Chicago Pneumatic Tool Company.	Do.
(25) 84-0600—The Clayton & Dubilier Private Equity Fund Limited Partnership of voting securities of Evergreen Capital Corporation, (Nevamar Corp., UPE).	Do.
(26) 84-0628—Scott Paper Company's proposed acquisition of voting securities of Sani-Fresh International, Incorporated, (John H. Hunter, UPE).	Do.
(27) 84-0635—Gulf & Western Corporation's proposed acquisition of assets of Cross & Trecker Corporation.	Do.

FOR FURTHER INFORMATION CONTACT:

Patricia A. Foster, Compliance Specialist, Premerger Notification Office, Bureau of Competition, Room 301, Federal Trade Commission, Washington, D.C. 20580, (202) 523-3894.

By direction of the Commission.

Emily H. Rock,

Secretary.

[FR Doc. 84-19703 Filed 7-25-84; 8:45 am]

BILLING CODE 6750-01-M

GENERAL SERVICES ADMINISTRATION

Preliminary Guidelines on the Use of Third-Party Relocation Companies

AGENCY: General Services Administration.

ACTION: Notice.

SUMMARY: The Administrator of General Services issued a policy letter on June 21, 1984, to Heads of affected Federal agencies advising of the implementation status of certain increased relocation allowances and providing preliminary guidelines for the use of relocation service companies and advice on the tax liability to employees resulting from the reimbursement for relocation expenses. The policy letter, without the enclosures (see Supplementary information), is published following this notice for information of all interested parties. This policy letter was issued pursuant to Executive Order No. 12466, February 27, 1984, which delegated to the Administrator of General Services authority to prescribe regulations and guidelines implementing the new employee relocation provisions enacted by Pub. L. 98-151, November 14, 1983.

ADDRESS: Office of Federal Supply and Services (FSA), General Services Administration, Washington, DC 20406.

FOR FURTHER INFORMATION CONTACT: Staff members, Travel and Transportation Regulations Division (FSA), Telephone (703) 557-1253; (703) 557-1256; FTS 557-1253 or 1256.

SUPPLEMENTARY INFORMATION:

Amendments to the Federal Travel Regulation (FTR) FPMR 101-7 are currently being developed to implement provisions of Pub. L. 98-151, namely 5 U.S.C. 5724b, relating to reimbursement of additional income taxes incurred by employees as a result of reimbursement of relocation expenses, and 5 U.S.C. 5724c, relating to the use of third-party relocation companies. Provisions of the policy letter will be incorporated into the FTR amendments and issued as expeditiously as possible. The enclosures to the policy letter may be found as follows: Executive Order No. 12466 was published in the Federal Register on February 29, 1984 (See 49 FR 7349) and may be ordered from the Government Printing Office (GPO). Telephone (202) 783-3238 or write Superintendent of Documents, GPO, Washington, DC 20402. The cost is \$1.50.

Public Law 98-151 (97 Stat. 964-982) may be ordered from GPO. Telephone (202) 275-3030 or write Superintendent of Documents, GPO, Washington, DC 20402. The cost is \$2.50. Pertinent sections 5724b and 5724c have been codified as title 5, United States Code.

Dated: July 18, 1984.

James J. Grady, Jr.,

Director of Policy and Agency Assistance,
June 21, 1984.

To: Heads of Executive, Judicial and Legislative Agencies, Military Departments and Independent Establishments

This letter is to advise you of the current status of implementation of the new relocation allowance provisions enacted with Public Law 98-151, November 14, 1983, and to issue preliminary guidelines to agencies for the use of third party relocation services.

GSA Bulletin FPMR A-40, Supplement 10, was issued to implement the increased allowance levels for household goods, temporary quarters, and the maximum dollar amount for reimbursement to an employee for expenses incurred in purchasing a new residence, and to extend the eligibility for travel and transportation at Government expense to the first official station to certain Presidential appointees. The provisions of Supplement 10 are effective for transferred employees or eligible new appointees reporting for duty at the new or first official station on or after November 14, 1983. These changes to the Federal Travel Regulations have been approved by the Office of Management and Budget and were published in the Federal Register on April 9, 1984.

By Executive Order No. 12466, February 27, 1984, (see enclosure) the President delegated to the Administrator of General Services authority to (a) prescribe regulations, in consultation with the Secretary of Treasury, to implement 5 U.S.C. 5724b relating to reimbursement of additional income taxes incurred by employees as result of reimbursement of relocation expenses, and

(b) prescribe guidance pursuant to which each agency shall carry out its responsibilities under 5 U.S.C. 5724c (relating to the use of relocation companies). The pertinent section of Public Law 98-151, codified as 5 U.S.C. 5724b and 5724c, is enclosed for your information.

The provisions of 5 U.S.C. 5724c have been of prime concern to many agencies. The law specifically provides each agency with the discretionary authority to enter into contracts with private firms to provide relocation services to agencies and employees. Such services include but need not be limited to "arranging for the purchase of a transferred employee's residence."

We wish to make it clear that no contracts should be signed until we provide further guidelines in the form of regulations. We are issuing these preliminary guidelines to assist agencies in analyzing their relocation needs. They should consider whether they want to provide relocation services to their employees, and, if so, to what extent.

Every dollar spent on relocation of Government employees should be viewed as a cost of doing business, and should specifically be directed towards meeting the highest priority needs of the agency's mission and programs. The newly authorized relocation services will provide agencies with a vehicle to facilitate retention of well-qualified employees, as well as enable agencies with mandatory rotation policies to treat employees on a more equitable basis. To the extent that the additional services and entitlements authorized by Public Law 98-151 increase the cost of relocations, agencies may find it necessary to reassess their relocation practices.

A determination that an individual transfer is in the interest of the Government is the prerequisite for payment of travel, transportation and other relocation expenses. It will be at the discretion of the agency head to determine whether and under what conditions relocation services should be made available. Such decisions should be based on the particular relocation needs of each agency. If an agency decides to make the services of a relocation company available to its employees, it should be left to the employee to choose between this option and the alternative of a direct reimbursement under the existing allowance structure.

We have found in our investigations that relocation companies are willing to provide a wide variety of services to meet the needs of transferring employees and their families. In addition to "packaging" the activities normally associated with relocation, such as arranging for the sale of the old home, the purchase of a new home and the transportation of household goods, many companies offer additional services.

The home sale program is the feature that generally attracts the most attention. Designed to relieve the transferee of the burden of maintaining two homes, such programs provide for the relocation company, on behalf of the employer, to take responsibility for the home being vacated and to advance an equity payment to the transferee based on the appraised market value of the home at the old duty station. The

exact terms of home sale programs are established in a contract between the relocation company and the employer.

Relocation companies may offer additional services such as property management for transferees either on temporary or international assignments, policy consulting, group move management, and spouse counseling. Again, the services offered would be defined by the contract between the relocation company and the employer, subject to the regulations to be issued.

The bottom line is that relocation companies will provide your agency with whatever services you are willing to pay for. Industry figures show, however, that the use of third party relocation companies could entail cost substantially in excess of the expenses allowed under the current direct reimbursement method. You should therefore exercise prudent management discretion in deciding which features should be included in your contracts.

There are two specific restrictions which you must consider when determining the parameters of home sale programs. First, the provisions of 5 U.S.C. 5724a(4) which authorize reimbursement for the expenses of the sale and purchase of employee residences also provide that "reimbursement may not be made for losses on the sale of the residence." Secondly, the new authority in 5 U.S.C. 5724c does not authorize the Government to become a homeowner either by direct purchase of the home from the employee or by taking title to the employee's home through the relocation service company.

Realistically, some homes will take longer to sell than others, depending on a number of variable market conditions. Under conventional home sale programs currently used in the industry there is a potential for substantial continuing monthly costs to be incurred until an employee's residence is sold and title transferred to the ultimate buyer. If an agency contracts for conventional home sale programs, these costs would be paid by the employee's agency. Although the agency would not officially have taken title to the house, the net effect of these transactions would create similar homeowner-type obligations for the agency.

In order to avoid these problems, we strongly recommend that agencies consider solicitations for relocation services that shift all or part of these obligations to the relocation company. Agencies might consider "flat fee contracts" that specify a fixed rate per transfer or some variant of this option. The advantage of such an arrangement is that it limits the Government's obligations and simplifies administrative procedures.

Contracts for relocation services should be competitively awarded to ensure that the agency receives the best possible services for the funds expended. Agencies should consider contracting with more than one relocation company for different geographical locations to assure the maximum benefit of competition and adequate geographic coverage. If requested by other agencies, GSA will at a later date consider establishing a master contract that other agencies could use rather than establishing their own.

In entering into contracts with third party relocation firms, agencies should exercise

caution with regard to the tax consequences of these contracts. Certain payments on behalf of employees to third party firms may constitute taxable income to the employee. Under the terms of 5 U.S.C. 5724b, such income would not be subject to the "grossing-up" provision of the statute. For further information relating to the tax consequences of payments to third party firms please contact the Internal Revenue Service, 1111 Constitution Avenue, N.W., CC:IND:1, Room 5019, Washington, D.C., 20224.

We subsequently will be issuing regulations establishing procedures for reimbursing employees for the tax liability incurred as a result of direct reimbursement of relocation expenses. Eligible employees should be advised that they may file a voucher claim for the income tax allowance as soon as the regulations are issued.

The guidelines contained herein and the forthcoming regulatory provisions and guidelines governing the use of relocation services and implementing the allowance for the additional income taxes incurred as a result of relocation expense reimbursements will be applicable only to employees transferring from one official station to another on or after November 14, 1983, the effective date of enactment of Public Law 98-151.

We have received a number of requests from relocation companies for a list of appropriate contacts at individual agencies. If you would like to be included in such a master list, please provide, in writing, the name of the contact, the mailing address and phone number to Ms. Donna M. Stright, Director, Travel and Transportation Regulations Division, General Services Administration (FTA), Washington, DC 20406. Ms. Stright may be reached on (703) 557-1253 or FTS 557-1253 if you have questions concerning this master contact list.

Sincerely,

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 84-19843 Filed 7-25-84; 8:45 am]

BILLING CODE 6820-24-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Privacy Act of 1974: Amendment of Existing System of Records

AGENCY: Office of the Assistant Secretary for Management and Budget, Office of the Secretary, HHS.

ACTION: Notice of amendment to system of records.

SUMMARY: The Department of Health and Human Services proposes to amend system of records 09-90-0024. The specific changes to the notice are set forth below; and the system of records, as amended, is printed in its entirety.

EFFECTIVE DATE: The proposed action will be effective without further notice on September 1, 1984, unless comments are received which would result in a contrary determination.

ADDRESS: Comments should be addressed to: Deputy Assistant Secretary, Finance, Room 705D, Hubert Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. 20201.

FOR FURTHER INFORMATION CONTACT: Sue Mundstuck, DASF Privacy Act Coordinator, telephone (202) 245-6841.

SUPPLEMENTARY INFORMATION: The subject system of records, authorized by 5 U.S.C. 552a (Pub. L. 93-579), was last published on January 31, 1984, 49 FR 3925. The amendments listed below are being made to clarify that the system of records contains information on amounts due from claims as well as payments made to individuals, to rephrase routine disclosure 11d, to specify in more detail the safeguards to the records, to update location names and addresses, and for other minor changes.

Changes

In *system name*, change the name to include "and Collections from."

In *system location*, add the sentence "Records concerning delinquent debts may also be maintained at the program office or by designated claims officers apart from the finance office."

In *categories of individuals covered by the system*, change "or loan" to "loan or scholarship" and after the phrase "Also, in the event of an overpayment" add "for delinquent loans, grants or scholarships."

In *authority for maintenance of the system*, add "Debt Collection Act 1982 (Pub. L. 97-365)."

In *purpose(s)*, delete the sentence "Direct access to these records is restricted to authorized persons in performance of official duties." and in the last sentence add "and collection activities."

In *routine uses of records maintained in the system, including categories of users and the purpose of such uses*, capitalize the "F" in Federal in items 4, 5, and 6. Delete 11d entirely and substitute "To agents of the Department and to other third parties, including credit reporting agencies, to help locate him/her or to obtain a credit report on him/her, in order to help collect or compromise a debt."

In *safeguards*, delete the entire entry and substitute: 1. *Authorized Users:* Employees and officials directly responsible for programmatic or fiscal activity, including administrative and

staff personnel, financial management personnel, computer personnel, and managers who have responsibilities for implementing HHS funded programs. 2. *Physical Safeguards:* File folders, reports and other forms of personnel data, and electronic diskettes are stored in areas where fire and life safety codes are strictly enforced. All documents and diskettes are protected during lunch hours and nonworking hours in locked file cabinets or locked storage areas. Magnetic tapes and computer matching tapes are locked in a computer room and tape vault. 3. *Procedural Safeguards:* Password protection of automated records is provided. All authorized users protect information from public view and from unauthorized personnel entering an office.

The safeguards described above were established in accordance with HHS Chapter 43-13 of the General Administration Manual; and the HHS ADP Systems Manual Part 6, "ADP Systems Security."

In *retention and disposal*, add to the last sentence "as authorized by the National Archives and Records Service."

In *notification procedure*, after the words "FDA Privacy" add the word "Act" and change "(HFW-50)" to "(HFW-30)"; in the last paragraph drop the "n" in Given, and after the phrase "purpose of payment" add "or collection."

In *record access procedure*, in the second sentence substitute the word "clearly" for "reasonably," and after the word "sought" add ", and may include an accounting of disclosures that have been made of their records, if any."

In *contesting record procedures*, in the first sentence drop the "n" in "identify" and after the word "information" delete the remainder of the sentence and substitute "being contested, the corrective action sought, and the reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely or irrelevant."

In *record source categories*, after the word "contract" change "or" to "and" and after "loan award document," insert the phrase "delinquent loan, grant and scholarship record;"

In *Appendices 1 and 2* each time the phrase "Payment to Individuals records" appears change to "Payment to and Collection from Individuals records." Also, make the following changes in the locations listed:

Delete

Health Resource and Services Administration, Addictions Research

Center, Leestown Pike—Box 2000, Lexington, KY 40501.

Change

Zip Code 87101 in the HRSA Albuquerque location to 87102-0097; and HRSA Oklahoma City Location address to 215 Dean A. McGee Street, NW., 73102-3477.

Add

Street address, 115 Fourth Avenue, SE., to the HRSA Aberdeen, SD location.

Change

HRSA Phoenix location address to 3738 North 16th Street, Suite A, 85016-5981, and

Program office name at the Nashville location to Nashville Program office.

Add

HRSA locations:
Health Resources and Services Administration, Director, Indian Health Service, Room 5A-55, Parklawn Building, 5600 Fishers Lane, Rockville, Md 20857.

Health Resources and Services Administration, PHS Indian Health Program Office, 203 Federal Building, Box 489, Bemidji, MN 56601.

Health Resources and Services Administration, PHS Indian Health Program Office, P.O. Box 11340, Tucson, AZ 85734.

Health Resources and Services Administration, PHS Indian Health Program Office, 2999 Fulton Avenue, Sacramento, 95821.

Change

CDC locations to read:
Public Health Service, Centers for Disease Control, Financial Management Office, 1600 Clifton Road, Atlanta, GA 30333.

Public Health Service, Centers for Disease Control, CDC/NIOSH Accounting Branch, Robert A. Taft Laboratories, Room 116, 4676 Columbia Parkway, Cincinnati, OH 45226.

These changes do not require a report of an altered system notice pursuant to 5 U.S.C. 552(o).

Dated: July 9, 1984.

David V. Dukes,

Deputy Assistant Secretary, Finance.

09-90-0024

SYSTEM NAME:

Accounting Records of Payments to and Collections from Individuals from Operating Division Agency and Regional Financial Management and Disbursing Office. HHS/OS/ASMB/.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

See Appendix 1.

Memoranda copy of claims submitted for reimbursement of travel and other expenditures while on official business may also be maintained at the administrative office of the HHS employee. Records concerning delinquent debts may also be maintained at the program office or by designated claims officers apart from the finance office.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons authorized to travel on official HHS business; persons awarded an HHS grant contract, loan or scholarship; persons authorized travel and salary, and housing allowances advances; and consultants furnishing administrative and miscellaneous services.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, identification number, address, purpose of payment, accounting classification and amount paid.

Also, in the event of an overpayment and for delinquent loans, grants or scholarships, the amount of the indebtedness, the repayment status and the amount to be collected.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Budget and Accounting Act of 1950 (Pub. L. 81-784). Debt Collection Act of 1982 (Pub. L. 97-365).

PURPOSE(S):

These records are an integral part of the accounting systems at principal operating component, agency, regional office and specific area locations. The records are used to keep track of all payments to individuals, exclusive of salaries and wages, based upon prior entry into the systems of the official commitment and obligation of government funds. When an individual is to repay funds advanced as a loan or scholarship, etc., the records will be used to establish a receivable record and to track repayment status. In the event of an overpayment to an individual, the record is used to establish a receivable record for recovery of the amount claimed. The records are also used internally to develop reports to the Internal Revenue Service and applicable state and local taxing officials of taxable income. This is a Department-wide notice of payment and collection activities at all locations listed in Appendix 1.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Records will be routinely disclosed to the Treasury Department for check preparation.

2. Records may be disclosed to members of Congress concerning a Federal financial assistance program. Also, disclosure may be made to a congressional office from an individual's record in response to an inquiry from the congressional office made at the request of that individual.

3. In the event the Department deems it desirable or necessary, in determining whether particular records are required to be disclosed under the Freedom of Information Act, disclosure may be made to the Department of Justice for the purpose of obtaining its advice.

4. A record from this system of records may be disclosed as a "routine use" to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement records or other pertinent records, such as current licenses, if necessary to obtain a record relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract or the issuance of a license, grant or other benefit.

5. A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the record is relevant and necessary to the requesting agency's decision on the matter.

6. Where Federal agencies having the power to subpoena other Federal agencies' records, such as the Internal Revenue Service or the Civil Rights Commission, issue a subpoena to the Department for records in this system of records, the Department will make such records available.

7. Where a contract between a component of the Department and a labor organization recognized under E.O. 11491 provides that the agency will disclose personal records relevant to the organization's mission, records in this system of records may be disclosed to such organization.

8. In the event of litigation where the defendant is (a) the Department, any component of the Department or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to

directly affect the operations of the Department of any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense provided such disclosure is compatible with the purpose for which the records were collected.

9. A record about a loan applicant or potential contractor or grantee may be disclosed to credit reporting agencies to obtain a credit report in order to determine his/her creditworthiness.

10. When an individual applies for a loan under a loan program as to which the OMB has made a determination under I.R.C. 6103(1)(3), a record about his/her application may be disclosed to the Treasury Department to find out whether he/she has a delinquent tax account, for the sole purpose of determining his/her creditworthiness.

11. A record from this system may be disclosed to the following entities in order to help collect a debt owed the United States:

a. To another Federal agency so that agency can effect a salary offset;

b. To another Federal agency so that agency can effect an administrative offset under common law or under 31 U.S.C. 3716 (withholding from money payable to, or held on behalf of, the individual);

c. To the Treasury Department to request his/her mailing address under I.R.C. 6103(m)(2) in order to locate him/her or in order to have a credit report prepared;

d. To agents of the Department and to other third parties, including credit reporting agencies, to help locate him/her or to obtain a credit report on him/her, in order to help collect or compromise a debt;

e. To debt collection agents under 31 U.S.C. 3718 or under common law to help collect a debt; and

f. To the Justice Department for litigation or further administrative action.

Disclosure under part (d) of this use is limited to the individual's name, address, Social Security number, and other information necessary to identify him/her. Disclosure under parts (a)-(c) and (e) is limited to those items; the amount, status, and history of the claim; and the agency or program under which the claim arose. An address obtained from IRS may be disclosed to a credit reporting agency under part (d) only for purposes of preparing a commercial credit report on the individual. Part (a) applies to claims or debts arising or

payable under the Social Security Act if and only if the employee consents in writing to the offset.

12. A record from this system may be disclosed to another Federal agency that has asked the Department to effect an administrative offset under common law or under 31 U.S.C. 3716 to help collect a debt owed the United States. Disclosure under this routine use is limited to: Name, address, Social Security number, and other information necessary to identify the individual, information about the money payable to or held for the individual, and other information concerning the administrative offset.

13. Disclosures with regard to claims or debts arising under or payable under the Social Security Act may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)). However, this disclosure will not be made with regard to debts from overpayments to beneficiaries under Title II (Old-Age, Survivors, and Disability Insurance) and Title XVI (Supplemental Security Income) of this Act. The purpose of this disclosure is to aid in the collection of outstanding debts owed the Federal Government. Disclosure of records is limited to the individual's name, address, Social Security number, and other information necessary to establish the individual's identity; the amount, status, and history of the claim; and the agency or program under which the claim arose.

14. Information in this system of records is used to prepare W-2 and 1099 Forms to submit to the Internal Revenue Service and applicable state and local governments items considered to be included as income to an individual; certain travel related payments to employees, all payments made to persons not treated as employees (e.g. fees to consultants and experts), and amounts written-off as legally or administratively uncollectable, in whole or in part.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosure pursuant to 5 U.S.C. 552a(b)(12): Disclosure may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)). The purpose of this disclosure is to aid in the collection of outstanding debts owed to the Federal Government, typically, to provide an incentive for debtors to repay delinquent Federal Government

debts by making these debts part of their credit records. Disclosure of records is limited to the individual's name, address, Social Security number, and other information necessary to establish the individual's identity; the amount, status, and history of the claim; and the agency or program under which the claim arose. This disclosure will be made only after the procedural requirements of 31 U.S.C. 3711(f) have been followed.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Hard copy documents are manually filed at agency and regional office sites; and on disc pack and magnetic tape at central computer sites.

RETRIEVABILITY:

This varies according to the particular operating accounting system within the Operating Division, Agency and Regional Office. Usually the hard copy document is filed by name within accounting classification. Computer records may be indexed by social security number and voucher number. Intra-departmental uses and transfers concern the validation and certification for payment, and for HHS internal audits.

SAFEGUARDS:

1. *Authorized Users:* Employees and officials directly responsible for programmatic or fiscal activity, including administrative and staff personnel, financial management personnel, computer personnel, and managers who have responsibilities for implementing HHS funded programs.

2. *Physical Safeguards:* File folders, reports and other forms of personnel data, and electronic diskettes are stored in areas where fire and life safety codes are strictly enforced. All documents and diskettes are protected during lunch hours and nonworking hours in locked file cabinets or locked storage areas. Magnetic tapes and computer matching tapes are locked in a computer room and tape vault.

3. *Procedural Safeguards:* Password protection of automated records is provided. All authorized users protect information from public view and from unauthorized personnel entering an office.

The safeguards described above were established in accordance with HHS Chapter 45-13 of the General Administration Manual; and the HHS ADP Systems Manual Part 6, "ADP Systems Security."

RETENTION AND DISPOSAL:

Records are purged from automated files once the accounting purpose has been served; printed copy and manual documents are retained and disposed of in accord with General Accounting Office principles and standards as authorized by the National Archives and Records Service.

SYSTEM MANAGER(S) AND ADDRESS:

See Appendix 2.

NOTIFICATION PROCEDURE:

Inquiries are to be made, either in writing or in person, to the organizations listed under "Location" in appendix 1, with the exception of Food and Drug Administration contact:

FDA Privacy Act Coordinator (HFW-30) Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

Give name and social security number, purpose of payment or collection (travel, grant, etc.) and, if possible, the agency accounting classification.

RECORD ACCESS PROCEDURE:

Same as notification procedures. Requesters should also clearly specify the record contents being sought, and may include an accounting of disclosures that have been made of their records, if any. (These access procedures are in accordance with Department Regulations (45 CFR 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information being contested, the corrective action sought, and the reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely or irrelevant.

RECORD SOURCE CATEGORIES:

Travel vouchers submitted by the individual; grant, contract and loan award document; delinquent loan, grant and scholarship record; consultant invoice of services rendered; and application for travel advance.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix 1

Location

Payments to and Collections from individuals records are located at the following HHS Regional Offices:

Regional Office 01, John F. Kennedy Federal Bldg., Government Center, Boston, MA 02203.

Regional Office 02, 26 Federal Plaza, New York, NY 10007.

Regional Office 03, 3535 Market Street, P.O. Box 13716, Philadelphia, PA 19101.

Regional Office 04, 101 Marietta Tower, Atlanta, GA 30323.

Regional Office 05, 300 South Wacker Drive, Chicago, IL 60606.

Regional Office 06, 1200 Main Tower, Dallas, TX 75202.

Regional Office 07, Federal Office Bldg., 601 East 12th Street, Kansas City, MO 64108.

Regional Office 08, 19th & Stout Streets, Denver, CO 80294.

Regional Office 09, Federal Office Buildings, 50 United Nations Plaza, San Francisco, CA 94102.

Regional Office 010, Arcade Plaza Bldg., 1319 Second Avenue, Seattle, WA 98101.

Payments to and Collections from individuals records are located at the following HHS Operating Division and Agency Headquarters and Field Offices:

Office of the Secretary (to include Office of Human Development Services records), Hubert H. Humphrey Bldg., 200 Independence Ave., SW., Div. of Accounting Operations, Washington, DC 20201.

Health Resources and Services Administration, Office of Fiscal Services, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD 20857.

Health Resources and Services Administration, National Hansen's Disease Center, Carville, LA 70721.

Health Resources and Services Administration, PHS Indian Health Area Office, Federal Office Bldg. and U.S. Court House, 500 Gold Avenue SW., Albuquerque, NM 87102-0097.

Health Resources and Services Administration, PHS Indian Health Area Office, 215 Dean A. McGee Street, NW., Oklahoma City, OK 73102-3477.

Health Resources and Services Administration, PHS Indian Health Area Office, Indian Health Service, Federal Bldg., 115 Fourth Avenue, SE., Aberdeen, SD 57401.

Health Resources and Services Administration, PHS Indian Health Area Office 03 at 7th West Central Avenue, Post Office Box 2143, Billings, MT 59102.

Health Resources and Services Administration, PHS Indian Health Area Office, 3738 North 16th Street, Suite A, Phoenix, AZ 85016-5981.

Health Resources and Services Administration, Alaska Area Native Health Service, Post Office Box 7-741, Anchorage, AK 99510.

Health Resources and Services Administration, PHS Area Office, 1220 S.W. 3rd Ave., Portland, OR 97204.

Health Resources and Services Administration, Nashville Oak Tower Building, Suite 810, Program Office Indian Health Service, 1101 Kermet Drive, Nashville, TN 37217.

Health Resources and Services Administration, Navajo Area, Indian Health Service, P.O. Box G, Window Rock, AZ 86515.

Health Resources and Services Administration, Director, Indian Health Service, Room 5A-55, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857.
Health Resources and Services Administration, PHS Indian Health Program Office, 203 Federal Building, Box 489, Bemidji, MN 56601.

Health Resources and Services Administration, PHS Indian Health Program Office, P.O. Box 11340, Tucson, AZ 85734.
Health Resources and Services Administration, PHS Indian Health Program Office, 2999 Fulton Avenue, Sacramento, CA 95821.

Public Health Service, Centers for Disease Control, Financial Management Office, 1600 Clifton Road, Atlanta, GA 30333.

Public Health Service, Centers for Disease Control, CDC/NIOSH Accounting Branch, Robert A. Taft Laboratories, Room 116, 4676 Columbia Parkway, Cincinnati OH 45226.

Food and Drug Adm., HFA-120, 5600 Fishers Lane, Rockville, MD 20857.

Food and Drug Adm., 880 W. Peachtree St., NW, Atlanta, GA 30309.

Food and Drug Adm., 585 Commercial Street, Boston, MA 02109.

Food and Drug Adm., 599 Delaware Avenue, Buffalo, NY 14202.

Food and Drug Adm., Room 700—Federal Office Bldg., 850 3rd Avenue (at 30th Street), Brooklyn, NY 11232.

Food and Drug Adm., 20 Evergreen Pl., East Orange, NJ 07018.

Food and Drug Adm., Room 1204, U.S. Customhouse, 2nd and Chestnut Streets, Philadelphia, PA 19106.

Food and Drug Adm., 900 Madison Avenue, Baltimore, MD 21201.

Food and Drug Adm., P.O. Box S-4427, San Juan, PR 00905.

Food and Drug Adm., Room 1222, Main Post Office Bldg., 433 West Van Buren Street, Chicago, IL 60607.

Food and Drug Adm., 1560 East Jefferson Avenue, Detroit, MI 48207.

Food and Drug Adm., 1141 Central Parkway, Cincinnati, OH 45202.

Food and Drug Adm., 240 Hennepin Avenue, Minneapolis, MN 55401.

Food and Drug Adm., 3032 Bryan Street, Dallas TX 75204.

Food and Drug Adm., Room 222, U.S. Customhouse Building, 423 Canal Street, New Orleans, LA 70130.

Food and Drug Adm., National Center for Toxicological Research, Jefferson, AR 72079.

Food and Drug Adm., 1009 Cherry Street, Kansas City, MO 64106.

Food and Drug Adm., Room 1002, U.S. Courthouse and Courthouse Building, 1114 Market Street, St. Louis, MO 63101.

Food and Drug Adm., Room 573, New Customhouse Building, 721 19th Street, Denver, CO 80202.

Food and Drug Adm., Room 518, Federal Office Building, 50 Fulton Street, San Francisco, CA 94102.

Food and Drug Adm., 1521 West Pico Boulevard, Los Angeles, CA 90015.

Food and Drug Adm., Federal Office Bldg., 909 First Avenue, Seattle, WA 98174.

National Institutes of Health, Operations Accounting Branch, Bldg. 31, Room B1B07, 9000 Rockville Pike, Bethesda, MD 20014.

National Institutes of Health, Rocky Mountain Laboratory, Hamilton, MT 59840.
Alcohol, Drug Abuse, and Mental Health Administration, Saint Elizabeths Hospital, Finance Office, Administration Bldg., Washington, D.C. 20032.

Social Security Administration, Program and Fiscal Operations Office, Post Office Box 47, Baltimore, MD 21203.

Social Security Administration, Bureau of Supplemental Income, 4-M-5 Annex Bldg., Baltimore, MD 21235.

Social Security Administration, Bureau of Disability Payments, 1506 Woodlawn Drive, 1J2, Baltimore, MD 21241.

Social Security Administration, Northeastern Program Center, 9605 Horace Harding Expressway, Flushing, NY 11368.

Social Security Administration, Midatlantic Program Center, 401 North Broad Street, Philadelphia, PA 19108.

Social Security Administration, Southeastern Program Center, 225 Third Avenue North, Birmingham, AL 35285.

Social Security Administration, Great Lakes Program Center, 165 North Canal Street, Chicago, IL 60606.

Social Security Administration, MidAmerica Program Center, 601 East 12th Street, Kansas City, MO 64106.

Social Security Administration, Western Program Center, Post Office Box 100, San Francisco, CA 94101.

Health Care Financing Administration, Gwynn Oak Building, 1710 Gwynn Oak Avenue, Baltimore, MD 21235.

For Payments to and Collections from individuals records at the following central payments office for grants and contracts:

Office of the Secretary, Federal Assistance Financing Branch, Box 6021, Rockville, MD 20857.

Appendix 2

System Manager, Departmental principles and standards concerning the system of records are the responsibility of:

Department of Health, and Human Services, Assistant Secretary for

Management and Budget, Office of the Secretary, Room 510A, Humphrey Building, Washington, DC 20201.

Operational responsibilities are as follows:
For Payments and Collections from individual records at Department and Regional Office:

HHS, Office of Secretary and Regional Offices, Office of Secretary, Deputy Assistant Secretary, Finance, Room 70D1, Humphrey Building, Washington, DC 20201.

For Payments and Collections from individuals records at Principal Operating Component Offices:

Health (CDC, FDA, NIH, ADAMHA, HRSA, ASH)

Public Health Service, Director, Division of Financial Management, Room 16-17, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857.

Social Security Administration, Director, Office of Financial Management, Room 840 Annex Social Bldg., Baltimore, MD 21235.

Office of Human Development, Services Director, Office of Management Services, Room 309D, HHH Building, 200 Independence Ave., S.W., Washington, D.C. 20201.

Health Care Financing Administration, Director, Office of Management and Budget,

Room 4406, HHS North Building, 300 Independence Ave., S.W., Washington, D.C. 20201.

[FR Doc. 84-19860 Filed 7-25-84; 8:45 am]

BILLING CODE 4150-04-M

Centers for Disease Control

Biomonitoring of Exposure to Asphalt and Coal Tar; Meeting

The following meeting will be convened by the National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control (CDC) and will be open to the public for observation and participation, limited only by the space available:

Date: August 16, 1984.

Time: 9:00 a.m.—2:00 p.m.

Place: Auditorium, Robert A. Taft Laboratories, 4676 Columbia Parkway, Cincinnati, Ohio 45226.

Purpose: To review and discuss a project designed to develop biological monitoring tests for determining worker exposures to coal tar pitch and asphalt in roofing and other applicable industries. Viewpoints and suggestions from industry, organized labor, academia, other government agencies, and the public are invited.

Additional information may be obtained from: William P. Tolos, Division of Biomedical and Behavioral Science, NIOSH, CDC, 4676 Columbia Parkway, Cincinnati, Ohio 45226, Telephones: FTS: 684-8339, Commercial: 513/684-8339.

Dated: July 17, 1984.

William C. Watson, Jr.,

Director, Centers for Disease Control.

[FR Doc. 84-19877 Filed 7-24-84; 8:45 am]

BILLING CODE 4160-19-M

Food and Drug Administration

[Docket No. 76N-0325; DESI 3265]

Drugs for Human Use; Pathilon Tablets; Final Order Denying Hearing Request and Withdrawing Approval of Less-Than-Effective Indication

AGENCY: Food and Drug Administration.
ACTION: Notice.

SUMMARY: The Commissioner of Food and Drugs denies a request for hearing on the effectiveness of Pathilon Tablets as adjunctive therapy in the treatment of irritable bowel syndrome and withdraws approval of those parts of new drug application (NDA) 9-489 that provide for that indication. The product may continue to be labeled for adjunctive therapy in treating peptic ulcer.

DATES: Supplement to the approved NDA due on or before August 27, 1984; withdrawal of NDA approval for

unsubstantiated indication effective August 27, 1984.

ADDRESS: Supplement to the new drug application (identify with NDA number) should be sent to the Division of Cardio-Renal Drug Products (HFN-110), Rm. 16B-06, Center for Drugs and Biologics, Food and Drug Administration, 5600 Fishers Lane, Rockville MD 20857.

FOR FURTHER INFORMATION CONTACT: Nicholas Reuter, Center for Drugs and Biologics (HFN-366), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3650.

SUPPLEMENTARY INFORMATION:

Following receipt and evaluation of reports from the National Academy of Sciences/National Research Council (NAS/NRC), Drug Efficacy Study Group, concerning certain anticholinergic drugs, including Pathilon Tablets, containing tridihexethyl chloride, the Food and Drug Administration (FDA) published a notice (DESI 3265) in the *Federal Register* of June 18, 1971 (36 FR 11754). The agency concluded that Pathilon Tablets are effective as adjunctive therapy in the treatment of peptic ulcer, are probably effective as adjunctive therapy in the treatment of irritable bowel syndrome and neurogenic bowel disturbances, and possibly effective for all other indications.

Subsequently, in the *Federal Register* of March 22, 1977 (42 FR 15468), the agency published an additional notice concerning the effectiveness of certain anticholinergic drugs, including Pathilon Tablets. In that notice, the Director of the Bureau of Drugs (now the Center for Drugs and Biologics) (1) affirmed that these drugs, including Pathilon Tablets, are effective as adjunctive therapy in the treatment of peptic ulcer; (2) reclassified the probably effective and possibly effective indications for these drugs, including Pathilon Tablets, to lacking substantial evidence of effectiveness; (3) proposed to withdraw approval of those parts of the pertinent NDA's, including NDA 9-489 for Pathilon Tablets, that provide for these reclassified indications; and (4) offered an opportunity for a hearing on the proposed withdrawal. The Director proposed to withdraw approval of these reclassified indications for Pathilon Tablets because new information before him concerning the drug, together with the evidence available to him at the time of the drug's approval, showed that there is a lack of substantial evidence that Pathilon Tablets are effective for these indications.

Thereafter, on April 20, 1977, Lederle Laboratories, Division of American Cyanamid Co., Pearl River, NY, manufacturer of Pathilon Tablets,

requested a hearing on the effectiveness of the drug as adjunctive therapy in the treatment of irritable bowel syndrome. Lederle subsequently submitted data, information, and other material in support of its hearing request. The firm also requested that the agency delay ruling on the effectiveness of Pathilon Tablets for use in treating irritable bowel syndrome until the final results from certain ongoing clinical trials were available. Lederle subsequently submitted interim results from these clinical trials.

The Commissioner of Food and Drugs has reviewed and considered the information submitted by Lederle, as well as other information previously available to him, and has concluded that there is a lack of substantial evidence that Pathilon Tablets are effective for adjunctive treatment of irritable bowel syndrome and, further, that there is no genuine and substantial issue of fact requiring a hearing. In addition, the Commissioner has determined that there is no adequate justification for any further delay in determining the effectiveness of Pathilon Tablets for the adjunctive treatment of irritable bowel syndrome. Therefore, the Commissioner is denying Lederle's request for a hearing and the firm's request for a delayed ruling.

I. The Drug

Pathilon Tablets, manufactured by Lederle Laboratories, a Division of American Cyanamid Co., North Middletown Rd., Pearl River, NY 10965, contain tridihexethyl chloride 25 milligrams (mg). Pursuant to 21 CFR 310.6, this notice also covers all drugs identical, related, and similar to Pathilon Tablets.

II. Recommended Uses

Pathilon Tablets are currently labeled as effective for use as adjunctive therapy in the treatment of peptic ulcer and probably effective as adjunctive therapy in the treatment of irritable bowel syndrome (irritable colon, spastic colon, mucous colitis, acute enterocolitis, and functional gastrointestinal disorders).

This action does not affect those parts of NDA 9-489 that provide for Pathilon Tablets as adjunctive therapy in the treatment of peptic ulcer; the drug may continue to be marketed for that indication. A full discussion of the submitted material follows.

III. Data Submitted to Support Claims of Effectiveness

The central issue in this proceeding is whether there exists substantial evidence of the effectiveness of Pathilon

Tablets for the adjunctive treatment of irritable bowel syndrome. Under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(d)), substantial evidence consists of "adequate and well-controlled investigations, including clinical investigations, by experts qualified by scientific training and experience to evaluate the effectiveness [of Pathilon Tablets], on the basis of which it could fairly and responsibly be concluded by such experts that the drug will have the effect it purports or is represented to have."

A well-controlled study is one in which at least two substantially identical groups of subjects, one of which receives the test drug, are contrasted, thereby permitting a clear-out comparison between the effects of treatment with the test drug and the effects of treatment with a placebo (i.e., inactive treatment) or other therapy. Properly conducted and analyzed, such a study enables scientific conclusions to be drawn regarding the effect of a single, well-defined variable: the presence or absence of the test drug. To the extent that other variables, such as use of an improper or poorly defined patient population, observer bias, or differences between the patient groups, are introduced into the study, or are not properly excluded from it, the ability to reach a conclusion about the effectiveness of the test drug is hindered. The principles set forth in FDA regulations (21 CFR 314.111(a)(5)) are intended to eliminate such hindrances and assure that the study generates unbiased, documented, quantitative information that permits independent and objective evaluation of the study results.

In April 1977, at the time Lederle filed its hearing request, the firm submitted the protocols, lists of investigators, and brief status reports for three ongoing, four-way clinical trials of three different combination drugs containing tridihexethyl chloride, the active ingredient of Pathilon Tablets, and a sedative. (One of the studies was, in fact, being conducted by Carter-Wallace Laboratories, Inc., but was relied upon by Lederle.) At the same time, Lederle filed several reports from the literature which, the firm contends, demonstrate that the ongoing trials "are highly likely to establish the effectiveness of Pathilon (tridihexethyl chloride) for the irritable bowel syndrome * * *." Since its April 1977 submission of the protocols and other material, Lederle has provided FDA with some further interim results for these studies. As of this date, none of the studies has been completed. (One of

the three has been terminated, however.)

As discussed below, the Commissioner has concluded that neither the interim results nor the literature reports constitute substantial evidence of the effectiveness of Pathilon Tablets in treating irritable bowel syndrome.

A. Results of Clinical Trials

Lederle has submitted the interim results of clinical trials conducted on two combination drugs, Pathibamate 200 (tridihexethyl chloride 25 mg, meprobamate 200 mg) and Pathilon with Phenobarbital (tridihexethyl chloride 25 mg, phenobarbital 15 mg). In addition, Lederle relies upon the interim results of a study of Milpath 400 conducted by Carter-Wallace, and Pathibamate 400, manufactured by Lederle, contain tridihexethyl chloride 25 mg and meprobamate 400 mg. These studies were designed to develop evidence of the effectiveness of each combination for irritable bowel syndrome, in order to satisfy, in a separate agency proceeding (Docket No. 75N-0184; 44 FR 52644, November 11, 1975), the requirements of FDA's policy for fixed combination prescription drugs (21 CFR 300.50). Accordingly, study subjects were divided among four groups: one group received the combination (Pathibamate 200, Milpath 400, or Pathilon with Phenobarbital), one group received tridihexethyl chloride alone, one group received the sedative ingredient alone (either phenobarbital or meprobamate), and one group received placebo. Thus, in each of the three studies described below, some irritable bowel syndrome patients received Pathilon alone, and, theoretically, their treatment effects could be separately evaluated.

1. *Pathilon with Phenobarbital Study.* This multicenter double-blind, randomized, parallel trial is designed to compare the effectiveness of Pathilon with Phenobarbital to that of its individual components, tridihexethyl chloride and phenobarbital, for the treatment of the major and minor symptoms of irritable bowel syndrome. As planned, the study was to admit and evaluate 96 patients. However, the study was prematurely terminated by Lederle. According to the sponsor's final report (submitted September 30, 1980), only 34 fully "compliant" patients participated in the study.

This study is not an adequate and well-controlled investigation demonstrating the effectiveness of Pathilon Tablets. First, because the study contains no specific statistical analysis of the Pathilon/placebo comparison, the study lacks the details

necessary to permit clear scientific evaluation (see 21 CFR 314.111(a)(5)(ii)(a)(5)). Second, according to the sponsor's final report for this study, there were no statistically significant treatment effects for any of the subject groups on any effectiveness parameter. Thus, the sponsor itself does not claim that the incomplete results from this study demonstrate any effectiveness for Pathilon. Based upon the sponsor's own conclusions about this study, the Commissioner concludes that these data do not constitute substantial evidence of the effectiveness of Pathilon Tablets for irritable bowel syndrome. (See 21 CFR 314.111(a)(5)(ii)(a)(5) and 314.200(d).)

2. *Pathibamate 200 Study.* The purpose of this multicenter study is to evaluate the effectiveness of Pathibamate 200, a fixed combination of tridihexethyl chloride (25 mg) and meprobamate (200 mg), and its individual components in relieving the gastrointestinal symptoms of anxious irritable bowel syndrome patients. The protocol requires a 2-week placebo baseline period, followed by a 6-week double-blind comparative treatment phase, with randomization to treatment groups after the baseline period. To be included in the study, patients are required to have, at the end of the baseline period, physician severity ratings of at least "moderate" for one or more major symptoms. At the beginning of the study and every 2 weeks thereafter, the investigator is to rate three major symptoms (abdominal pain, diarrhea, and constipation) as none, mild, moderate, or severe; at the same time, the investigator is to determine the presence or absence of seven minor symptoms. At the end of the study, the investigator is also to evaluate each patient's response, compared to the patient's status at baseline, in terms of pain, diarrhea, constipation, and global improvement.

Lederle submitted interim reports from this ongoing study on March 17, 1981, and January 7, 1983. In the most recent report, Lederle provided the results for 513 randomized patients. The firm also provided a statistical analysis on 2 subsets of the 513 patients: a subset of 435 patients that the study monitor judged fully acceptable for evaluation and a subset of 372 patients from those investigators who had contributed at least 3 patients acceptable for evaluation. This analysis used a covariance for major symptom severity scores, combined minor symptom scores, and combined minor and major symptom scores. The firm also performed an analysis of variance on the physician's assessment of overall

constipation, diarrhea, and global improvement.

The Pathibamate 200 trial does not provide substantial evidence of the effectiveness of Pathilon Tablets. Lederle has provided no discussion, evaluation, or statistical analysis of these data that shows how the results demonstrate the effectiveness of the single entity, Pathilon, in treating irritable bowel syndrome (see 21 CFR 314.111(a)(5)(ii)(a)(5) and 314.200(d)). The purpose of the statistical analyses provided was to test for a significant treatment difference between the combination drug, Pathibamate, and its individual components and placebo. However, Lederle did not test for statistically significant treatment differences between the single entity, Pathilon, and placebo. The only portion of Lederle's submission that allows for even an approximate comparison to be made between Pathilon and placebo is set out below in Table I, which is taken from Lederle's March 17, 1981 submission. (In Table I, the higher the percentage, the more effective the treatment for irritable bowel syndrome.)

TABLE I.—ENDPOINT RESULT SUMMARY

Parameter	n	Baseline mean	Adjusted mean improvement expressed as percent of baseline	
			Pathilon (percent)	Placebo (percent)
Combined minor symptoms *	260	3.87	24	29
Abdominal pain	241	2.99	14	25
Diarrhea severity	140	2.76	16	37
Constipation severity	186	3.13	21	22
Combined major and minor symptoms	260	11.16	17	23

* Mucus in stools, abdominal tenderness, explosive flatus, scybalous stools, borborygmi, belching, and abdominal distention.

Parameter	n	Adjusted means expressed as of best possible evaluation	
		Pathilon	Placebo
Global Rating *	261	32	36
Diarrhea Assessment *	140	30	43
Constipation Assessment *	186	34	26

* On a scale where:
1=Marked improvement=100% of maximum possible evaluation.

2=Moderate improvement=67% of maximum possible evaluation.

3=Slight improvement=33% of maximum possible evaluation.

4=No improvement=0% of maximum possible evaluation.

5=Worsening=-33% of maximum possible evaluation.

* On a scale where:
1=None present=100% of maximum possible evaluation.

2=Improved=50% of maximum possible evaluation.

3=Same as baseline=0% of maximum possible evaluation.

4=Worsening=-50% of maximum possible evaluation.

The data in Table I cannot demonstrate the effectiveness of Pathilon Tablets. Although Pathilon was slightly superior numerically (8 percent)

to placebo for "constipation assessment", the placebo was better than Pathilon for "constipation severity." In addition, for all of the remaining six parameters (combined minor symptoms, abdominal pain, diarrhea severity, combined major and minor symptoms, global rating, and diarrhea assessment), the placebo was superior to Pathilon. Therefore, even if this study were an adequate and well-controlled trial, the one, inconsistent, unsubstantiated result for Pathilon, out of eight assessed parameters, could not reliably support a finding that Pathilon is effective in treating irritable bowel syndrome.

3. *Milpath 400 Study.* The purpose of this ongoing double-blind multicenter study is to compare the effectiveness of Milpath 400, a fixed combination of tridihexethyl chloride (25 mg) and meprobamate (400 mg), to that of its individual ingredients and placebo, in relieving the gastrointestinal symptoms of anxious irritable bowel syndrome patients. The protocol for this study is essentially identical to that of the preceding trial, with the exception that Milpath 400 and its individual components are the test substances, instead of Pathibamate 200. According to the latest interim report submitted December 22, 1982, 342 patients have been evaluated by the sponsor.

As is the case with the Pathibamate 200 trial, this study is designed and is being conducted to demonstrate the effectiveness of the Milpath 400 and Pathibamate 400 combination products. Once again, Lederle has provided no discussion, evaluation, or statistical analysis that shows how the results demonstrate the effectiveness of the single entity, Pathilon. Accordingly, this study is not substantial evidence of the effectiveness of Pathilon Tablets (see 21 CFR 314.111(a)(5)(ii)(a)(5) and 314.200(d)).

Moreover, the results, as summarized by the sponsor, do not permit even an estimate of Pathilon's effectiveness. Specifically, a Mantel-Haenszel procedure was used to combine the effectiveness data from the 14 investigators who submitted patients suitable for evaluation. For each parameter, a mean score for each treatment group within each investigator group was calculated. Then, for each investigator, the difference between the mean score for the combination drug, Milpath 400, and each of the other three treatment groups was calculated. A weighted average of these differences was then calculated for each of three treatment contrasts (Milpath 400 to placebo, Milpath 400 to meprobamate,

Milpath 400 to tridihexethyl chloride), and each was tested for statistical significance using a one-tailed test. The results from this study were presented as a tabular series of the above contrasts and their corresponding statistical weight. The Pathilon-placebo comparison, which is necessary to determine the effectiveness of the single entity Pathilon, was never calculated, and the data as presented do not allow for even an approximate evaluation of Pathilon's effectiveness. Because the data, as presented, do not include or permit appropriate analysis, this study does not constitute substantial evidence of the effectiveness of Pathilon Tablets (see 21 CFR 314.111(a)(5)(ii)(a)(5) and 314.200(d)).

B. Literature Excerpts

Lederle also argues that the literature excerpts discussed below demonstrate that the studies of the combinations discussed above are "highly likely" to develop evidence establishing the effectiveness of Pathilon Tablets. The Commissioner has reviewed this literature and has concluded that these excerpts do not constitute substantial evidence of the effectiveness of Pathilon Tablets. Furthermore, the Commissioner has determined that these excerpts do not justify postponement of the agency's action of Pathilon Tablets.

1. Rider, J. A., "A Double-Blind Study of Meprobamate and Tridihexethyl Chloride in Management of Functional and Organic Disorders of the Gastrointestinal Tract," *Current Therapeutic Research*, 10(1):11-17, 1968. This was a double blind, randomized study of parallel design that evaluated 50 patients with various gastrointestinal diseases, including duodenal ulcer, gastric ulcer, "functional" disorders of the stomach and intestines (including irritable or spastic colon and spastic colitis), ulcerative colitis, and regional enteritis. The study compared the effectiveness of a combination drug of 200 mg of meprobamate and 25 mg of tridihexethyl chloride to placebo; each was administered four times per day. Apparently, the study was of variable length, in that the published report does not describe how the duration was selected; the average treatment period for both groups was 7.4 weeks. Although there were numerous symptoms in both groups, the study reported a significant advantage for the combination only with respect to two symptoms: anxiety neurosis and pain. The study also reported a statistically significant difference in overall relief between the treated and untreated group.

This study is not an adequate and well-controlled study demonstrating the

effectiveness of Pathilon, for several reasons. First and most important, none of the study subjects received tridihexethyl chloride alone, the drug at issue in this proceeding. Instead, all drug-treated subjects received a combination product containing both meprobamate and tridihexethyl chloride. Thus, it is impossible to attribute any of the alleged positive effects of the treatment to tridihexethyl chloride alone. Therefore, the study is not adequate and well-controlled because the test drug was not standardized as to identity, strength, quality, purity, and dosage form to give significance to the results of the investigation to a determination of the effectiveness of Pathilon Tablets (21 CFR 314.111(a)(5)(ii)(b)).

In addition, the study was inadequate because no diagnostic criteria were provided for the various diagnoses. For example, the author does not state how the possibility of ulcer disease was eliminated for patients diagnosed with functional intestinal disease nor how functional disease was defined. Thus, even if the subgroup of irritable bowel syndrome patients were analyzed separately (which they were not), this subgroup was not shown to be suitable for the study (21 CFR 314.111(a)(5)(ii)(a)(2)(i)).

Finally, the presentation of the study's data and the explanation of its analysis are inadequate. First, no individual patient data were provided to permit a comparison of each patient at baseline and after treatment, so that quantitative comparison of the control and treatment groups was not possible (21 CFR 314.111(a)(5)(ii)(a)(4)). Second, in analyzing the results, the study groups together patients with complete, marked, and moderate relief in one group and patients with slight relief, no relief, and worse in another. However, it is impossible to determine from the data presented how many patients experienced each degree of relief. Moreover, the study provides no explanation as to why the results were presented this way. (In fact, this grouping seems inappropriate and arbitrary, in that complete relief ("asymptomatic") and moderate relief represented very different results, while the moderate relief ("significant improvement but symptoms persisting") and slight relief ("symptoms remaining but with diminished severity") are virtually identical.) Absent and explanation or a breakdown for individual patients, one cannot determine how analyst bias was minimized in carrying out this seemingly

arbitrary analysis (see 21 CFR 314.111(a)(5)(ii)(a)(3)).

2. Tesler, M., "Endoscopic and Photographic Documentation of the Effects of Pathibamate Therapy on Irritable Bowel Syndrome" (unpublished report of Lederle Laboratories, dated January 24, 1977). This was a double-blind, randomized, crossover study comparing a combination drug of meprobamate 200 mg and tridihexethyl chloride 25 mg to placebo. The study subjects consisted of six subjects with severe irritable bowel syndrome (typical abdominal pain and/or constipation or diarrhea and/or alternating constipation and diarrhea). Endoscopic examinations to the distal descending colon (with photographs) were performed at baseline and after treatment; the resulting visual observations and photographs were graded according to the degree of spasm. After a 9-day wash-out period, the subjects were crossed over and the study repeated. The investigator reported marked reduction in spasm during the drug treatment periods, with a normalized haustral pattern, for all subjects.

On its face, this study does not constitute an adequate and well-controlled clinical trial that demonstrates the effectiveness of Pathilon Tablets. First and foremost, as with the Rider study (discussed above), tridihexethyl chloride alone was not studied. Therefore, for the reasons provided in the discussion of the Rider study, the data from this study do not provide evidence of the effectiveness of the single entity drug, Pathilon Tablets (21 CFR 314.111(a)(5)(ii)(b)).

In addition, the study is not adequate because neither the investigator nor Lederle provided a statistical analysis of the study results. Therefore, the statistical significance of the study's finding was not determined (21 CFR 314.111(a)(5)(ii)(a)(5)). Moreover, whether statistically significant or not, the finding of reduced "spasm" does not provide evidence of the effectiveness of the test drug in treating irritable bowel syndrome because there was no evidence provided that the "spasm" seen is correlated with the clinical manifestations of irritable bowel syndrome. Thus, there is no analysis provided that shows that the drug is useful in treating symptoms resulting from that condition (21 CFR 314.111(a)(5)(ii)(a)(5)).

3. Weiss, J., and S. Weiss, "Psychotropic-Anticholinergic Management of Gastrointestinal Disorders," *Current Therapeutic Research*, 11(7):436-446, 1969. In this double-blind study, 49 patients with gastrointestinal diseases of various

types, including gastric or duodenal ulcer, spastic colon, and gastritis, were treated with a combination of 400 mg of meprobamate and 25 mg of tridihexethyl chloride or with placebo. Patients were randomly assigned to treatment groups; for both treatment groups, the dose was to vary "according to each patient's respective progress." The intended duration of therapy was unspecified. Nine selected symptoms were rated on a 5-point scale; in addition, patients were evaluated at the end of treatment as worse, no relief, slight relief, moderate relief, marked relief, or complete relief. However, slight, moderate, and marked relief were not defined. The investigators claimed that the combination drug demonstrated a significant advantage over placebo for eight of the nine symptoms, including pain severity, pain frequency, and heartburn.

This study is not a well-controlled study of tridihexethyl chloride for the adjunctive treatment of irritable bowel syndrome, for the following reasons.

First, as in the two studies discussed above, the drug tested was not tridihexethyl chloride but a combination of that agent with meprobamate (21 CFR 314.111(a)(5)(ii)(b)). Thus, the alleged superiority of the drug treatment cannot be attributed to tridihexethyl chloride alone. Second, for the most part, the patients studied did not have functional bowel disease. In fact, only 6 of 26 in the treated group and only 7 in the placebo group were diagnosed with functional bowel disease. Also, the investigators did not describe the diagnostic criteria for these conditions. Thus, there may have been even fewer suitable irritable bowel syndrome patients in the study (21 CFR 314.111(a)(5)(ii)(a)(2)(i)). Importantly, for the few patients with irritable bowel syndrome, the investigators did not claim a statistically significant advantage for the treated group.

Third, during the study, 10 of the 26 subjects in the active drug group and 15 of the 23 in the placebo group used medication in addition to the test drug or placebo. This concomitant therapy consisted of a variety of medications (primarily antacids) that had been previously administered to the test subjects in the routine management of their various gastrointestinal diseases. The investigators permitted use of these medications because of the "patients' expressed desire to continue certain drugs that afforded some symptomatic relief." Although the investigators expressed doubt that such concomitant therapy affected the study's results, they did not attempt to measure or control for the use of concomitant medications

between the two groups. Accordingly, the study design fails to assure comparability of the test and control groups with regard to the use of concomitant medication (21 CFR 314.111(a)(5)(ii)(a)(2)(ii)).

Finally, the report of the study does not adequately explain the methods of observation and evaluation of the results. Specifically, the report states that the evaluation of a patient's overall response included such "factors" as "comparative effects of previous [drug] therapy, side effects of previous drugs, and other non-specific changes." However, the investigators do not describe how these factors were used by them. Moreover, it is not self-evident how such factors could be incorporated into measurements of overall relief. Accordingly, this study is not adequate and well-controlled (see (21 CFR 314.111(a)(5)(ii)(a)(3)).

4. Rider, J. A., "Small Bowel Motility: Comparison of the Effects of an Anticholinergic Agent, This Agent Plus a Tranquilizer, and a Placebo," *Current Therapeutic Research*, 20(2):142-148, 1976. This double blind, randomized, crossover study compared the effects of tridihexethyl chloride, tridihexethyl chloride with meprobamate, and placebo on gastrointestinal motility in 19 healthy male subjects. The motility of the subjects' small bowel was tested twice, with at least 24 hours between tests. The investigator found that tridihexethyl chloride reduced colon motility more than placebo. However, this finding does not demonstrate the effectiveness of Pathilon Tablets in treating irritable bowel syndrome because the study subjects were normal (i.e., healthy) volunteers and did not have irritable bowel syndrome. Also, the investigator made no attempt to correlate the reduction in intraluminal pressure with relief of irritable bowel syndrome symptoms. Thus, the methods for selecting the study's subjects did not provide adequate assurance that the subjects were suitable for demonstrating the effectiveness of Pathilon Tablets as adjunctive treatment for irritable bowel syndrome (21 CFR 314.111(a)(5)(ii)(a)(2)(i)).

C. Summary

For the foregoing reasons, the medical evidence submitted by Lederle does not constitute substantial evidence of the effectiveness of Pathilon Tablets for use as adjunctive treatment of irritable bowel syndrome (see 21 U.S.C. 355(d); (21 CFR 314.111(a)(5)(ii)), nor does the evidence raise a genuine and substantial issue of fact requiring a hearing (21 CFR 314.200(g)).

IV. Request for Delayed Ruling

In its hearing request, Lederle asked that the Commissioner defer ruling on its request until the final results from the ongoing studies of Pathibamate 200 and Milpath 400 are available. The firm argues that 21 CFR 314.200(c) permits FDA to consider studies submitted more than 60 days after publication of a notice of opportunity for hearing, if the studies were initiated prior to the publication of the notice.

The Commissioner has considered the interim results from the ongoing studies most recently submitted by Lederle and has concluded that these results do not demonstrate Pathilon Tablets' effectiveness. Likewise, the literature excerpts provide no evidence to suggest that the single entity, Pathilon Tablets, is effective for adjunctive treatment of irritable bowel syndrome. FDA regulations (21 CFR 314.200(c)) do not provide an indefinite period of time for testing. The Commissioner believes that Lederle has had more than sufficient time to design, conduct, and complete the appropriate efficacy studies for Pathilon Tablets. More than 20 years have elapsed since the Federal Food, Drug, and Cosmetic Act was amended in 1962 to require drug manufacturers to demonstrate the effectiveness of their products. Manufacturers of drugs approved prior to the amendments (including Pathilon Tablets) have been aware since 1962 that, eventually, they would be required to demonstrate the effectiveness of their products. Moreover, for over 13 years (since publication of the 1971 classification notice), Lederle has been aware that there are substantial questions concerning the effectiveness of the use of Pathilon Tablets for irritable bowel syndrome. Therefore, Lederle's request for a postponement of the Commissioner's ruling is denied.

Importantly, withdrawing the approval of Pathilon Tablets for adjunctive use in treating irritable bowel syndrome does not necessarily preclude Lederle from marketing Pathilon Tablets for that indication in the future. Should Lederle complete the ongoing efficacy studies, provide analysis of the study results, and demonstrate Pathilon Tablets' effectiveness for irritable bowel syndrome, Lederle would be free to seek approval for marketing Pathilon Tablets for that indication. *Cf. Cooper Laboratories, Inc. v. Commissioner*, 501 F.2d 772, 786 (D.C. Cir. 1979).

Moreover, even if an extension of time to complete studies was justified, the agency would not be permitted to do so. On October 10, 1972, an order was entered in *American Public Health*

Ass'n v. Veneman, 340 F. Supp. 1311 (D.D.C. 1972), that governs the implementation of the DESI program (see 37 FR 26624; December 14, 1972). Paragraph X of that order provides that the agency "shall not grant any" extension of time for any request for a hearing or other response to a notice of opportunity for hearing."

For these reasons, Lederle's request for a deferred ruling is hereby denied.

V. Findings

On the basis of the foregoing, the Commissioner finds that there is a lack of substantial evidence that Pathilon Tablets are effective for the adjunctive treatment of irritable bowel syndrome and, further, that there is no genuine and substantial issue of fact requiring a hearing.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 505(e), 52 Stat. 1052-1053 as amended (21 U.S.C. 335(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Lederle's hearing request is denied and approved of those parts of NDA 9-489 that provide for the aforementioned indication is withdrawn effective August 27, 1984. Pursuant to 21 CFR 314.8(d)(2) and (e), the Food and Drug Administration will take no action involving Pathilon Tablets provided that a supplement to delete such indication from the labeling of the product is received by the office indicated above no later than August 27, 1984 and the revised labeling is used on all new stocks of the drug shipped in interstate commerce after that date.

Dated: July 20, 1984.

Mark Novitch,

Deputy Commissioner of Food and Drugs.

[FR Doc. 84-19701 Filed 7-25-84; 8:45 am]

BILLING CODE 4160-01-M

Consumer Participation; Open Meetings

AGENCY: Food and Drug Administration.
ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the following consumer exchange meetings: Buffalo District Office, chaired by E. Pitt Smith, District Director. The topics to be discussed are Prescription to Over-the-Counter Switch/Patient Education, and Concerns Regarding Use of Geriatric Drugs.

DATE: Thursday, August 2, 1984, 1 p.m. to 3 p.m.

ADDRESS: Holiday Inn, 701 East Genesee St., Syracuse, NY 13210.

FOR FURTHER INFORMATION CONTACT:

Lois M. Meyer, Consumer Affairs Officer, Food and Drug Administration, 599 Delaware Ave., Buffalo, NY 14202, 716-846-4483.

Minneapolis District Office, chaired by John Feldman, District Director. The topics to be discussed are Prescription to Over-the-Counter Switch, Caffeine, and Health Fraud.

DATE: Thursday, August 23, 1984, 2 p.m.

ADDRESS: Brown County Extension Service Center, 1150 Bellevue St., Green Bay, WI.

FOR FURTHER INFORMATION CONTACT:

Donald W. Aird, Jr., Consumer Affairs Officer, Food and Drug Administration, 240 Hennepin Ave., Minneapolis, MN 55401, 612-725-2121.

SUPPLEMENTARY INFORMATION: The purpose of these meetings is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance relationships between local consumers and FDA's District Offices, and to contribute to the agency's policymaking decisions on vital issues.

Dated: July 19, 1984.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 84-19702 Filed 7-25-84; 8:45 am]

BILLING CODE 4160-01-M

Schering Corp.'s Fulvinil™ (Griseofulvin) Premix; Withdrawal of Approval of NADA

AGENCY: Food and Drug Administration.
ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing approval of a new animal drug application (NADA) sponsored by Schering Corp. Which provides for use of griseofulvin in chinchilla feeds. The sponsor requested the withdrawal of approval.

EFFECTIVE DATE: August 6, 1984.

FOR FURTHER INFORMATION CONTACT:

David N. Scarr, Center for Veterinary Medicine (HFV-214), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1846.

SUPPLEMENTARY INFORMATION: Schering Corp., 2000 Galloping Hill Rd., Kenilworth, NJ 07033, is the sponsor of NADA 31-877 which provides for use of griseofulvin in chinchilla feeds for prevention, treatment, and control of fungal infections caused by *Trichophyton*, and as an aid in the

prevention of fur chewing associated with the fungal infections.

The application was originally approved March 6, 1965. By letter of April 30, 1984, the sponsor requested withdrawal of approval of the NADA because the product is no longer being manufactured or marketed, nor does the firm have plans to do so in the future. In addition, the firm waived an opportunity for a hearing.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 345-347 (21 U.S.C. 360b(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Veterinary Medicine (21 CFR 8.84), and in accordance with § 514.115 *Withdrawal of approval of applications* (21 CFR 514.115), notice is given that approval of NADA 31-877 and all supplements for fulvinil™ (Griseofulvin) Premix is hereby withdrawn, effective August 6, 1984.

Published elsewhere in his issue of the *Federal Register* is a final rule that removes the regulation reflecting approval of this NADA.

Dated: July 20, 1984.

Gerald B. Guest,

Acting Director, Center for Veterinary Medicine.

[FR Doc. 84-19703 Filed 7-25-84; 8:45 am]

BILLING CODE 4160-01-M

National Institutes of Health

Cancer Center Support Review Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Cancer Center Support Review Committee, National Cancer Institute, August 2-3, 1984, Building 31C, Conference Room 6, National Institutes of Health, Bethesda, Maryland 20205. This meeting will be open to the public on August 2 from 8:30 a.m. to 9:00 a.m. to review administrative details. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, United States Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on August 2, from 9:00 a.m. to recess, and on August 3, from 8:30 a.m. to adjournment, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the

applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496-5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. John W. Abrell, Executive Secretary, Cancer Center Support Review Committee, National Cancer Institute, Westwood Building, Room 821, National Institutes of Health, Bethesda, Maryland 20205 (301/496-9767) will furnish substantive program information.

This notice is being published less than 15 days prior to the meeting because the conflicting schedules of committee members prevented the meeting from being held at a later date.

(Catalog of Federal Domestic Assistance Number 13.397, project grants in cancer center support, National Institutes of Health)

Dated: July 20, 1984.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 84-19855 Filed 7-25-84; 8:45 am]

BILLING CODE 4140-01-M

National High Blood Pressure Education Program Coordinating Committee; Meeting

Notice is hereby given of the meeting of the National Blood Pressure Education Program Coordinating Committee sponsored by the National Heart, Lung, and Blood Institute, on September 11, 1984, from 9 a.m. to 4 p.m., at the Holiday Inn, Crown Plaza, 1750 Rockville Pike, Rockville, Maryland 20852. The entire meeting will be open to the public.

The coordinating committee is meeting to define the priorities, activities, and needs of the groups participating in the National High Blood Pressure Education Program. Attendance by the public will be limited to space available.

For detailed program information, agenda, list of participants, and meeting summary contact: Dr. Edward J. Rocella, Coordinator, Health Education Branch, Office of Prevention, Education and Control, National Heart, Lung, and Blood Institute, National Institutes of Health, Building 31, Room 4A18, Bethesda, Maryland 20205, 301-496-1051.

Dated: July 19, 1984.

Thomas E. Malone, Ph.D.,

Acting Director, NIH.

[FR Doc. 84-19711 Filed 7-25-84; 8:45 am]

BILLING CODE 4140-01-M

Public Health Service

Meeting; National Toxicology Program Board of Scientific Counselors

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Toxicology Program (NTP) Board of Scientific Counselors, U.S. Public Health Service, in the Conference Center, Building 101, South Campus, National Institute of Environmental Health Sciences, Research Triangle Park, North Carolina, on August 16 and 17, 1984.

The meeting will be open to the public from 8:30 a.m. to adjournment on August 16. The preliminary agenda with approximate times are as follows:

8:30 a.m.-11:30 a.m.—Peer Review and Priority Ranking of Chemicals Nominated for NTP Testing. (Six nitropyrenes considered and deferred by the Board on September 27, 1983 will be reviewed and are listed in the *Federal Register*, Volume 48, No. 44, pp. 9379-9380, March 4, 1983. Additionally, 28 new chemical nominations will be reviewed and are listed in the *Federal Register*, Volume 48, No. 143, pp. 33747-33748, July 25, 1983, and Volume 49, No. 5, pp. 1139-1140, January 9, 1984.)

Review of NIEHS/NTP Systemic Toxicology Branch Programs

12:30 p.m.-4:00 p.m. Introduction and Review of Chemical Disposition Program

4:00 p.m.-5:00 p.m. NIEHS/NTP Concept Reviews:

- Effect of the Ah Locus on Lifespan and Pathology of Congenic Mice
- Development of Ovarian Toxicity Screening Methods: Studies on the Classification of Ovarian Follicles as an Indication of Ovarian Toxicity.

The meeting on August 17 will be open to the public from 8:30 a.m. to 3:00 p.m. The preliminary agenda with approximate times are as follows:

Review of NIEHS/NTP Systemic Toxicology Branch Programs (Continued)

8:30 a.m.-10:00 a.m.—Review of Biochemical Toxicology Program
10:15 a.m.-12:15 p.m.—Review of Immunotoxicology Program

1:00 p.m.-1:15 p.m.—Report of the Director, NTP

1:15 p.m.-3:00 p.m.—Final Report to the Board of the *Ad Hoc* Panel On Chemical Carcinogenesis Testing and Evaluation.

In accordance with the provisions set forth in section 552b(c)(6) Title U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on August 17 from approximately 3:00 p.m. to adjournment for further evaluation of NIEHS/NTP programs in chemical disposition, biochemical toxicology, and immunotoxicology, including the consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Executive Secretary, Dr. Larry G. Hart, Office of the Director, National Toxicology Program, P.O. Box 12233, Research Triangle Park, North Carolina 27709, telephone (919) 541-3971, FTS 629-3971, will furnish a roster of Board members and expert consultants and other program information prior to the meeting, and summary minutes subsequent to the meeting.

Dated: July 10, 1984.

David P. Rall, M.D. Ph.D.,

Director, National Toxicology Program.

[FR Doc. 84-19709 Filed 7-25-84; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Receipt of Petition for Federal Acknowledgment of Existence as an Indian Tribe

This is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

Pursuant to 25 CFR 83.8(a) (formerly 25 CFR 54.8(a)) notice is hereby given that the Christian Pembina Chippewa Indians, c/o Louis F. LaFountain, P.O. Box 727, Dunseith, North Dakota 58329, has filed a petition for acknowledgment by the Secretary of the Interior that the group exists as an Indian tribe. The petition was received by the Bureau of Indian Affairs on June 26, 1984. The petition was forwarded and signed by members of the group's governing body.

This is a notice of receipt of petition and does not constitute notice that the petition is under active consideration. Notice of active consideration will be by mail to the petitioner and other

interested parties at the appropriate time.

Under § 83.8(d) (formerly § 54.8(d)) of the Federal regulations, interested parties may submit factual or legal arguments in support of or in opposition to the group's petition. Any information submitted will be made available on the same basis as other information in the Bureau of Indian Affairs files.

The petition may be examined by appointment in the Division of Tribal Government Services, Bureau of Indian Affairs, Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20242.

John W. Fritz,

Acting Assistant Secretary—Indian Affairs.

[FR Doc. 19891 Filed 7-25-84; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

Coeur d'Alene District Multiple Use Advisory Council; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Multiple Use Advisory Council Meeting.

SUMMARY: Notice is hereby given, in accordance with Pub. L. 94-579 and 43 CFR Part 1780, that a meeting of the Coeur d'Alene District Multiple Use Advisory Council will be held on Tuesday, August 28, 1984, at 10:00 a.m., at the Bureau of Land Management Office, 1808 North Third Street, Coeur d'Alene, ID 83814.

Agenda for the meeting will include:

1. Discussion of potential land exchanges;

2. Evaluation of nominees for Cooperative Management Agreements;

3. Briefing on Lower Salmon River withdrawal activities;

4. Discussion of nominations for expiring Council terms;

5. Arrangements for next meeting.

The meeting is open to the public.

Interested persons may make oral statements to the Council between 11:30 a.m. and 12:00 noon, or file written statements for the Council's consideration. Anyone wishing to make an oral statement must notify the District Manager at the above address by August 24, 1984. Depending on the number of persons wishing to make an oral statement, a per person time limit may be established.

Summary minutes of the meeting will be maintained in the District Office and will be available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

Dated: July 18, 1984.

John B. O'Brien III,

Acting District Manager.

[FR Doc. 84-19686 Filed 7-25-84; 8:45 am]

BILLING CODE 4310-GG-M

Susanville District Grazing Advisory Board; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Tour and Meeting.

SUMMARY: Notice is hereby given, in accordance with Public Law 94-579 (FLPMA), that a tour by Susanville District Grazing Advisory Board will be held on August 30 and 31, 1984 with a meeting to be held on the evening of August 30, 1984.

The tour will begin at 9:00 a.m., August 30, 1984 at the Surprise Resource Area Office of the Bureau of Land Management, 602 Cessler Street, Cedarville, California. The tour, for the day, will end at Stevens Camp approximately 40 miles east of Cedarville. It will continue on the 31st from Stevens Camp. Range developments and range management progress for the Modoc/Washoe Experimental Stewardship area will be observed and discussed.

The evening meeting on August 30 will be from 4:00 p.m. until 6:00 p.m. The agenda will include a discussion of the Wild Horse Program, Advisory Board funds, development of waters in Nevada, progress of Cooperative Management Agreements, allocations of project funds FY85, and other items as appropriate.

The tour and meeting is open to the public. Interested persons may make oral statements to the board between 5:30 p.m. and 6:00 p.m. on August 30, 1984 or file a written statement for the board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, P.O. Box 1090 Susanville, California 96130, By August 24, 1984. Depending upon the number of persons wishing to make oral statements, a per person list limit may be established.

Summary minutes of the board meeting will be maintained in the District Office, and will be available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

Ben F. Collins,

Associate District Manager.

[FR Doc. 84-19686 Filed 7-25-84; 8:45 am]

BILLING CODE 4310-40-M

Realty Action; Sale of Public Lands; Washoe County, NV; Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: N-39101, et al.; Correction of Notice of Realty Action, sale of public lands in Washoe County, Nevada.

SUMMARY: This document corrects a Notice of Realty Action for a sale of public lands (N-39101, et al.), published June 15, 1984 (49 FR 24804). Under "Sale Terms and Conditions Are As Follows," paragraph 6 stated that Parcels 1, 2, 3, and 9 would be patented subject to existing rights-of-way for road and highway purposes for the State of Nevada and Washoe County. Parcel 8 will also be patented subject to an existing right-of-way for road and highway purposes for the State of Nevada.

DATE: This correction is effective upon publication in the *Federal Register*.

FOR FURTHER INFORMATION CONTACT: Susanville District Manager, Bureau of Land Management, P.O. Box 1090, Susanville, California 96130.

C. Rex Cleary,
District Manager.

[FR Doc. 84-19684 Filed 7-25-84; 8:45 am]

BILLING CODE 4310-40-M

Colorado; Filing of Plats of Survey

July 20, 1984.

The plats of survey of the following described lands will be officially filed in the Colorado State Office, Bureau of Land Management, Denver, Colorado, effective 10:00 a.m., July 20, 1984.

The plat representing the dependent resurvey of certain mineral claims; the independent resurvey of a portion of the subdivisional lines, and the survey of the subdivision of section 1, T. 7 S., R. 78 W., Sixth Principal Meridian, Colorado, Group No. 429, was accepted July 16, 1984.

This plat was executed to meet certain administrative needs of the U.S. Forest Service.

The plat representing the dependent resurvey of a portion of the subdivisional lines and certain mineral claims, T. 11 S., R. 81 W., Sixth Principal Meridian, Colorado, Group No. 529, was accepted July 16, 1984.

This survey was executed to meet certain administrative needs of the Bureau of Reclamation.

The supplemental plat, showing a subdivision of original lot 13, section 24, T. 13 S., R. 92 W., Sixth Principal Meridian, Colorado, was accepted July 16, 1984.

This supplemental plat was prepared to meet certain administrative needs of this Bureau.

All inquiries about these lands should be sent to the Colorado State Office, Bureau of Land Management, 1037—20th Street, Denver, Colorado 80202.

Jack A. Eaves,

Acting Chief Cadastral Surveyor for Colorado.

[FR Doc. 84-19687 Filed 7-25-84; 8:45 am]

BILLING CODE 4310-84-M

[Utah 53694]

Salt Lake District; Realty Action for Lands in Tooele County, UT

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action.

SUMMARY: This is a Notice of a direct sale of 42.15 acres of public land in Tooele County, in accordance with existing law.

DATE: The date of the sale is September 27, 1984.

ADDRESS: Comments concerning the sale will be accepted for a period of 45 days from the date of this notice by the: District Manager, Salt Lake District, Bureau of Land Management, 2370 South 2300 West, Salt Lake City, Utah 84119.

FOR FURTHER INFORMATION CONTACT: Nancy Bloyer, Pony Express Realty Specialist, (801) 524-5348.

SUPPLEMENTARY INFORMATION: The following described public land has been examined and identified as suitable for disposal by sale under section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750, 43 U.S.C 1713) or FLPMA:

Legal Description

T. 5 S., R. 5 W., SLB+M,
Sec. 8, SE $\frac{1}{4}$ NE $\frac{1}{4}$.

Acreage: 42.15 acres.

The land is being offered by direct sale to Globe Investment Company, also referred to as the Company in this Notice, at the appraised fair market value.

The lands are being offered for sale to serve the public objective of economic development and community expansion. Authorizing the farming of these lands will enhance Globe Investment Company's adjoining farm operation. The objective could not be achieved on other public land such as a parcel that was noncontiguous. The parcel does not possess more important public values than economic development since livestock grazing is the present and projected use of the land. The tract is no

larger than necessary to support a family-sized farm.

A direct sale to Globe Investment Company will recognize a preference to the Company as a user with existing improvements and as an adjoining landowner, as set forth in FLPMA.

The sale is consistent with the Bureau of Land Management's planning system and with Tooele County planning and zoning.

The public lands will be sold on the 27th day of September, 1984.

Terms and conditions applicable to the sale are:

1. The sale of these lands is subject to all valid existing rights.

2. A right-of-way is reserved for ditches and canals constructed by the authority of the United States Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945).

3. All minerals are reserved to the United States.

4. Federal law requires that the buyer be a U.S. citizen or a corporation subject to the laws of any state of the United States. Proof of this requirement shall be presented by the Company on the date of the sale.

The designated purchaser, Globe Investment Company, will be required to pay for the cost to publish this Notice in the *Federal Register* and in the local paper. The Company will also be required to submit a nonrefundable deposit of one-fifth of the full price on the sale date, September 27, 1984, by certified check. The remainder of the full price shall be paid within 30 days of the sale date. Failure to pay the full price within 30 days shall disqualify the Company as the designated purchaser and the deposit shall be forfeited and disposed of as other receipts of sale. The lands may then be offered on a competitive bidding basis, with details of such of a sale to be set forth in a subsequent notice.

Detailed information concerning the sale including the planning documents and environmental assessment is available for review at the above address. Any adverse comments will be evaluated by the District Manager, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become the final determination of the Department of the Interior.

O. Stanley Cullimore,

Acting Salt Lake District Manager.

[FR Doc. 84-19076 Filed 7-25-84; 8:45 am]

BILLING CODE 4310-DQ-M

[Group 873]**California; Filing of Plat of Survey**

July 19, 1984.

1. These plats of survey of the following described land will be officially filed in the California State Office, Sacramento, California, immediately:

Mount Diablo Meridian, San Bernardino County

T. 30 S., R. 41 E.

2. These plats, in fourteen (14) sheets, represent the retracement of a portion of the subdivisional lines, a portion of Mineral Survey Nos. 5695 and 5813, a portion of the subdivision of sections 6 and 7, and the metes-and-bounds survey of certain lots in sections 6 and 7, Township 30 South, Range 41 East, Mount Diablo Meridian, under Group No. 873, California, were accepted June 29, 1984.

3. These plats will immediately become the basic record for describing the land for all authorized purposes. These plats have been placed in the open files and are available to the public for information only.

4. This survey was executed to meet certain administrative needs of this Bureau.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2841, Sacramento, California 95825.

Celia Anderson,
Acting Chief, Records and Information Section.

[FR Doc. 84-19693 Filed 7-25-84; 8:45 am]

BILLING CODE 4310-40-M

3. These plats will immediately become the basic record for describing the land for all authorized purposes. These plats have been placed in the open files and are available to the public for information only.

4. These plats were executed to meet certain administrative needs of the Bureau of Indian Affairs and this Bureau.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2841, Sacramento, California 95825.

Celia Anderson,
Acting Chief, Records and Information Section.

[FR Doc. 84-19694 Filed 7-25-84; 8:45 am]

BILLING CODE 4310-40-M

**Socorro Resource Area, NM;
Availability, Public Hearings Draft, San Augustine Coal Area Management Framework Plan Amendment/
Environmental Assessment (MFPA/
EA)**

AGENCY: Bureau of Land Management (BLM) Las Cruces District, Interior.

ACTION: Notice of Availability, Public Hearings.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the BLM has prepared a Draft Coal Management Framework Plan Amendment to the Divide Area Land Use Plan to consider the issue of including coal estate located on Federal lands in northern Catron and southern Cibola Counties, New Mexico in the Federal coal leasing process.

DATE: Written comments on the Amendment should be sent to the Socorro Resource Area no later than September 7, 1984.

ADDRESS: Comments should be sent to: Socorro Resource Area Office, Attention: Brian Mills, San Augustine Coal Area Amendment Team Leader, Socorro Resource Area, P.O. Box 1219, Socorro, NM 87801.

FOR FURTHER INFORMATION CONTACT: Brian Mills, San Augustine Coal Area Amendment Team Leader at the above address. Telephone: (505) 835-0412 or FTS 476-6280.

SUPPLEMENTARY INFORMATION: Copies of the Coal Amendment have been distributed to a mailing list of identified interested parties. A limited number of copies are available at the Socorro Resource Area Office, 122 Plaza, Socorro, New Mexico 87801. Public reading copies are available for review

at the BLM State Office, Office of Public Affairs, U.S. Federal Building, Santa Fe, New Mexico; and at public and university libraries in Las Cruces, Socorro, Albuquerque, Farmington, and Santa Fe, New Mexico; and St. Johns and Springerville, Arizona.

Public Hearings: Public hearings will be held on the dates and at the locations listed below to receive oral and/or written comments on the merits of the proposal and on the contents of the Draft Coal Amendment.

Monday, August 20, 1984

Socorro, New Mexico

Location: Meeting Room, Socorro

Electric Cooperative, 1215 Manzanaris Ave., N.E., 1 p.m.

Tuesday, August 21, 1984

St. Johns, Arizona

Location: St. Johns Community Center, 395 South First West, 1 p.m.

Wednesday, August 22, 1984

Quemado, New Mexico

Location: Quemado Community Center, 1 p.m.

During the public hearings, oral comments will be limited to 10 minutes and should be accompanied with a written text. Anyone wishing to register for the public hearings to present oral comments should contact Brian Mills at the Socorro Resource Area Office, phone (505) 835-0413, prior to August 13, 1984.

Monte G. Jordan,
Associate State Director.

[FR Doc. 84-19692 Filed 7-25-84; 8:45 am]

BILLING CODE 4310-FB-M

[U-52869]

Realty Action; Sale of Public Lands in Washington County, UT.

AGENCY: Bureau of Land Management, Interior.

ACTION: It is proposed to sell 5.0 acres of public land to the Church of Jesus Christ of Latter Day Saints under authority of section 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713). The tract has been determined to be difficult and uneconomic to manage because of its location and uses associated with it and the adjacent private land. The land is located in T. 43 S., R. 15W., SLB&M, Section 25: S½SE¼SE¼SE¼. It has been appraised and will be sold at a fair market value of \$200 per acre (\$1,000 for entire acre tract). The sale will be held September 25, 1984.

[Group 656]**California; Filing of Plant of Survey**

July 19, 1984.

1. This plat of survey of the following described land will be officially filed in the California State Office, Sacramento, California, immediately:

San Bernardino Meridian, San Diego County

T. 10 S., R. 1 E.

2. These plats, in two (2) sheets, representing the dependent resurvey of a portion of the San Bernardino Meridian, portions of the east and south boundaries, a portion of the subdivisional lines, a portion of the Rancho Pauma boundary, and the Rancho Cuca boundary in T. 10 S., R. 1 E., San Bernardino Meridian, under Group No. 656, California, were accepted June 22, 1984.

SUMMARY: Included within this parcel described is a right-of-way, U-1808, for a water pump house, well, and reservoir which encompasses 2.42 acres of the tract. This right-of-way is currently being utilized by the prospective buyer.

DATES: Comments should be submitted on or before September 10, 1984.

ADDRESS: Comments should be sent to Area Manager, Dixie Resource Area Office, 50 East 100 South, Suite 202, P.O. Box 726, St. George, Utah 82770. Detailed information concerning the sale is available for review at the Dixie Resource Area Office.

SUPPLEMENTARY INFORMATION: The terms and conditions applicable to the sale are:

1. Upon sale, the existing right-of-way, U-1808, will be cancelled.

2. All minerals in the lands will be reserved to the United States, with right of ingress and egress to prospect for, mine and remove the same under applicable law and such regulations as the Secretary may prescribe.

Comments: Any comments received during the comment period will be evaluated and the the District Manager may vacate or modify this realty action. In the absence of any action by District Manager, this notice will become the final determination of the Department of the Interior.

Dated: July 20, 1984.

Morgan Jensen,
District Manager.

[FR Doc. 84-19695 Filed 7-25-84; 8:45 am]
BILLING CODE 4310-DQ-M

(1-19638)

Realty Action; Competitive Sale of Public Land in Lincoln County, ID

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action I-19638 competitive sale of public land in Lincoln County, Idaho.

SUMMARY: The following described lands have been examined, and through land use planning and public input have been determined to be suitable for disposal by sale pursuant to section 203 of the Federal Land Policy and Management Act of 1976. Fair market value will be available no less than 30 days prior to the sale date. Sealed bids only will be accepted.

Boise Meridian, Idaho

(1-19638)

T. 4 S., R. 19 East,
Sec. 8: N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$.

Containing 120 acres.

The lands when patented will be subject to the following reservations to the United States:

1. Ditches and canals.
2. Oil and gas resources.
3. All valid, existing rights and reservations of record.

The lands are hereby segregated from all appropriation under the public land laws including the mining laws until sold or this sale is suspended.

Sealed bids must be received in this office no later than November 9, 1984. Bids for less than the fair market value will not be accepted. A bid will constitute an application for conveyance of mineral interests of no known value.

A \$50 nonreturnable filing fee for processing such conveyance, along with one fifth of the full bid price must accompany each bid. If parcel is not sold at this time the parcel will be offered the third Friday of each month for three consecutive months, or until sold or sale is suspended.

DATE AND ADDRESS: The sale offering will be held on November 9, 1984 at 10:00 a.m. in the Shoshone District Office, 400 West F Street, Shoshone, Idaho 83352.

FOR FURTHER INFORMATION CONTACT: Detailed information concerning the sale and conditions, bidding procedures, and other details can be obtained by contacting Mike Austin at (208) 886-2206 or writing to BLM, P.O. Box 2B, Shoshone, Idaho 83352.

SUPPLEMENTARY INFORMATION: For a period of 45 days from the date of this notice, interested parties may submit comments to the Shoshone District Manager at the above address.

Dated: July 18, 1984.

Charles J. Haszler,
District Manager.

[FR Doc. 84-19696 Filed 7-25-84; 8:45 am]
BILLING CODE 4310-GG-M

[C-38383 and C-38371]

Colorado: Realty Action, Sale of Public Land in Ouray and Gunnison Counties

The following described land has been examined and identified as suitable for disposal by sale under section 203 of the Federal Land Policy and Management Act (FLPMA) of 1976 (90 Stat. 2750; 43 U.S.C. 1713), at no less than the appraised fair market value.

Parcel	Legal description	Acreage
Ouray County: C-38383-E.....	T. 44 N., R. 9 W., Sec. 9, SWSE.	40.00

Parcel	Legal description	Acreage
C-38383-G.....	T. 45 N., R. 8 W., Sec. 23, Lot 2.	39.03
C-38383-H.....	T. 46 N., R. 7 W., Sec. 32, NWSE.	40.00
Gunnison County: C- 38371-B.	T. 48 N., R. 4 W., Sec. 7, E2NE, Sec. 8, SWNW.	120.00

Parcel C-38383-E will be offered by direct sale to Double RL Ranches. Parcels C-38383-G and C-38383-H are being offered by competitive bidding to adjacent landowners. Parcel C-38371-B is offered by competitive bidding to any qualified purchaser. There is no legal access to any of the parcels.

Bidding Information and Instructions: The Federal Land Policy and Management Act requires that bidders must be citizens of the United States, 18 years of age or over, or in the case of a corporation, be subject to the laws of any state of the United States. Bids may be made by a principal (the one desiring to purchase the land) or his duly qualified agent. Each bid must be for all the land in a specified parcel.

Method of Bidding: Bidding will be sealed bid only. To be considered, bids must be received in the Montrose District Office, 2465 South Townsend, Montrose, Colorado 81401 on or before 10:00 a.m. the day of the sale. Bids accompanied by a certified check, postal money order, bank draft, or cashier's check made payable to the "Department of the Interior-Bureau of Land Management" for not less than one-fifth (20%) of the amount of the bid, must be in a separate sealed envelope within the transmittal envelope. The sealed envelope must be marked in the lower left-hand corner "Sealed Bid, Public Land Sale, Parcel Number —, Sale to be September 28, 1984". All sealed bids will be opened at 1:00 p.m. on the day of the sale. If two or more envelopes are received containing valid bids of the same amount for the same parcel, the successful bid shall be determined by drawing. The successful high bidder will be required to submit the remainder of the bid price in cash, by certified check, bank draft, money order, or any combination of these within 30 days after the determination of the highest bid.

Minerals Estate Disposition: Parcel C-38371-B has been found to contain no known mineral values. Parcels C-38383-E, G and H are without mineral value except they are prospectively valuable for oil, gas, coal and geothermal resources which must be reserved by the U.S. The successful high bidder must

submit to the Montrose District Office within 30 days of the sale an application for the not to be reserved minerals. The mineral conveyance application must be accompanied by a \$50.00 fee.

Post Sale Instructions: If final payment or the mineral conveyance application and \$50.00 fee are not received within the specified 30 days, the high bid is rejected, the deposit is forfeited, and the land will be offered to the second highest bidder, subject to the same terms and conditions. All unsuccessful sealed bids will be returned within 30 days of the sale.

Patent Provisions: Patents will contain the following reservations to the United States:

1. Rights-of-way for ditches and canals constructed by the authority of the United States (26 Stat. 391; 43 U.S.C. 945).

2. Oil, gas, coal, and geothermal with the right to explore, prospect for, mine, and remove under applicable law, and such regulations as the Secretary of the Interior may prescribe (43 U.S.C. 1719).

And will be subject to:

1. All valid existing rights.

Sale Continuation: If any of the parcels including the direct sale lands do not sell at the September 28, 1984, sale the unsold parcels will be offered the second Wednesday of every month beginning on November 14, 1984, and continuing until the parcels are sold or withdrawn.

Bid Acceptance: The BLM may accept or reject any and all offers, or withdraw any land or interest in land from sale if, in the opinion of the authorized officer, consummation of the sale would not be fully consistent with FLPMA or other applicable laws.

Detailed information regarding this sale, including the planning documents and Environmental Assessment, is available for review in the Montrose District Office. For a period of 45 days from the date of this Notice, interested parties may submit comments to the District Manager, Montrose District Office. Any adverse comments will be evaluated by the District Manager who may vacate or modify this Realty Action, and issue a final determination. In the absence of any action by the District Manager, this Realty Action will become the final determination of the Department of the Interior.

Paul W. Arrasmith,
Montrose District Manager.

[FR Doc. 84-19697 Filed 7-25-84; 8:45 am]

BILLING CODE 4310-JB-M

[C-36736]

Colorado: Order Providing for Opening of Public Lands

Correction

In FR Doc. 84-17500 beginning on page 27218 in the issue of Monday, July 2, 1984, make the following correction.

On page 27218, third column, line 8 in the land description, "SW $\frac{1}{4}$ SE $\frac{1}{4}$," should read "SW $\frac{1}{4}$ SW $\frac{1}{4}$ ".

BILLING CODE 1505-01-M

[AA-50379-28]

Alaska Native Claims Selection

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of secs. 12(c) and 14(h)(8) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1611(c), 1613(h)(8)) (1976) (ANCSA), will be issued to Chugach Natives, Inc., for approximately 5,120 acres. The lands involved are within the Copper River Meridian, Alaska:

T. 14 S., R. 3 W.

Upon issuance of the decision to issue conveyance, it will be published once a week, for four (4) consecutive weeks, in the *Cordova Times*. For information on how to obtain copies, contact the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

Any party claiming a property interest which is adversely affected by the decision shall have until August 27, 1984 to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management, Division of Conveyance Management (960), address identified above, where the requirements for filing an appeal can be obtained. Parties who do not file an appeal in accordance with the requirements in 43 CFR Part 4, Subpart E shall be deemed to have waived their rights.

Barbara A. Lange,
Section Chief, Branch of ANCSA
Adjudication.

[FR Doc. 84-19755 Filed 7-25-84; 8:45 am]

BILLING CODE 4310-JA-M

[F-14827-A; F-14827-B]

Alaska Native Claims Selection

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue

conveyance under the provisions of sec. 12 of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1611 (1976)) (ANCSA), will be issued to K'oyill'ots'ina, Limited, for the Native village of Allakaket for approximately 86,923 acres. The lands involved are within Fairbanks Meridian, Alaska:

T. 20 N., R. 22 W.
T. 21 N., R. 22 W.
T. 22 N., R. 22 W.
T. 20 N., R. 23 W.
T. 19 N., R. 24 W.
T. 20 N., R. 24 W.
T. 18 N., R. 25 W.
T. 19 N., R. 25 W.
T. 20 N., R. 25 W.

The decision to issue conveyance will be published once a week, for four (4) consecutive weeks, in the Fairbanks Daily News-Miner upon issuance of the decision. For information on how to obtain copies, contact the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

Any party claiming a property interest in lands affected by the decision, an agency of the Federal Government, or regional corporation may appeal the decision to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with the regulations in 43 CFR Part 4, Subpart E, as revised.

If an appeal is taken, the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of Conveyance Management (960), 701 C Street, Box 13, Anchorage, Alaska 99513. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the Regional Solicitor, 701 C Street, Box 34, Anchorage, Alaska 99513.

The time limits for filing an appeal are:

1. Parties receiving service of the decision by personal service or certified mail, return receipt requested, shall have thirty days from the receipt of the decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, parties who failed or refused to sign their return receipt, and parties who received a copy of the decision by regular mail which is not certified, return receipt requested, shall have until August 27, 1984 to file an appeal.

Any party known or unknown who is adversely affected by the decision shall be deemed to have waived those rights

which were adversely affected unless an appeal is timely filed with the Bureau of Land Management, Alaska State Office, Division of Conveyance Management.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeal. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

Retained Lands Unit—Easements,
Divisions of Land and Water
Management, Alaska Department of
Natural Resources, Pouch 7-005,
Anchorage, Alaska 99510
K'oyit'ots'ina, Limited, 1603 College
Road, Fairbanks, Alaska 99701
Doyon, Limited, Resource Department,
Doyon Building, 201 First Avenue,
Fairbanks, Alaska 99701.

Helen Burleson,
Section Chief, Branch of ANCSA
Adjudication.

[FR Doc. 84-19754 Filed 7-25-84; 8:45 am]

BILLING CODE 4310-JA-M

[F-14912-A, F-14912-B]

Alaska Native Claims Selection

In accordance with Departmental regulation 43 CFR 2650.7(d) notice is hereby given that the decision to issue conveyance to Northway Natives Incorporated, notice of which was published in the *Federal Register* (44 FR 49020-49021) on August 21, 1979, is modified by rewording the allowable uses of easement EIN 14 C5, L and deleting easement EIN 28 D1.

Copies of the modified decision can be obtained by contacting the Bureau of Land Management, Alaska State Office, Division of Conveyance Management (960), 701 C Street, Box 13, Anchorage, Alaska 99513.

Except as modified by this decision and the decision of February 27, 1980, the decision of August 20, 1979 (notice of which was given Aug. 21, 1979) stands as written.

Helen Burleson,
Section Chief, Branch of ANCSA
Adjudication

[FR Doc. 84-19753 Filed 7-25-84; 8:45 am]

BILLING CODE 4310-JA-M

[F-14903-E]

Alaska Native Claims Selection

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of Sec. 14 of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1611 (1976)) (ANCSA), will be issued to Toghthele Corporation, for approximately 4,610 acres. The lands involved are within:

Fairbanks Meridian, Alaska (Surveyed)
T. 6 S., R. 7 W.
T. 5 S., R. 8 W.
T. 6 S., R. 8 W.

The decision to issue conveyance will be published once a week, for four (4) consecutive weeks, in the Fairbanks Daily News-Miner upon issuance of the decision. For information on how to obtain copies, contact the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal Government, or regional corporation may appeal the decision to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with the regulations in 43 CFR Part 4, Subpart E, as revised.

If an appeal is taken, the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of Conveyance Management (960), 701 C Street, Box 13, Anchorage, Alaska 99513. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the Regional Solicitor, 701 C Street, Box 34, Anchorage, Alaska 99513.

The time limits for filing an appeal are:

1. Parties receiving service of the decision by personal service or certified mail, return receipt requested, shall have thirty days from the receipt of the decision to file and appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, parties who failed or refused to sign their return receipt, and parties who received a copy of the decision by regular mail which is not certified, return receipt requested, shall have until August 27, 1984 to file an appeal.

Any party known or unknown who is adversely affected by the decision shall be deemed to have waived those rights which were adversely affected unless an

appeal is timely filed with the Bureau of Land Management, Alaska State Office, Division of Conveyance Management.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeal. Further information on the manner of and requirements for filing and appeal may be obtained from the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

Toghthele Corporation, P.O. Box
74080, Fairbanks, Alaska 99707
Doyon, Limited, Resource Department,
Doyon Building, 201 First Avenue,
Fairbanks, Alaska 99701
Retained Lands Unit—Easements,
Division of Land and Water
Management, Alaska Department of
Natural Resources, Pouch 7-005,
Anchorage, Alaska 99510

Helen Burleson,
Section Chief, Branch of ANCSA
Adjudication.

[FR Doc. 84-19749 Filed 7-25-84; 8:45 am]

BILLING CODE 4310-JA-M

[F-14826-A; F-14826-B]

Alaska Native Claims Selection

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of section 12 of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1611 (1976)) (ANCSA), will be issued to K'oyit'ots'ina, Limited, for the Native village of Alatna for approximately 64,805 acres. The lands involved are within:

Kateel River Meridian, Alaska
T. 12 N., R. 27 E.

Fairbanks Meridian, Alaska

T. 20 N., R. 23 W.
T. 21 N., R. 23 W.
T. 20 N., R. 24 W.
T. 21 N., R. 24 W.
T. 22 N., R. 24 W.
T. 19 N., R. 25 W.
T. 20 N., R. 25 W.
T. 21 N., R. 25 W.
T. 22 N., R. 25 W.

The decision to issue conveyance will be published once a week, for four (4) consecutive weeks, in the Fairbanks Daily News-Miner upon issuance of the decision. For information on how to obtain copies, contact the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

Any party claiming a property interest in lands affected by the decision, an agency of the Federal Government, or regional corporation may appeal the decision to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with the regulations in 43 CFR Part 4, Subpart E, as revised.

If an appeal is taken, the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of Conveyance Management (960), 701 C Street, Box 13, Anchorage, Alaska 99513. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the Regional Solicitor, 701 C Street, Box 34, Anchorage, Alaska 99513.

The time limits for filing an appeal are:

1. Parties receiving service of the decision by personal service or certified mail, return receipt requested, shall have thirty days from the receipt of the decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, parties who failed or refused to sign their return receipt, and parties who received a copy of the decision by regular mail which is not certified, return receipt requested, shall have until August 27, 1984 to file an appeal.

Any party known or unknown who is adversely affected by the decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Bureau of Land Management, Alaska State Office, Division of Conveyance Management.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeal. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

Retained Lands Unit—Easements, Division of Land and Water Management, Alaska Department of Natural Resources, Pouch 7-005, Anchorage, Alaska 99510
Koyukots'ina, Limited, 1603 College Road, Fairbanks, Alaska 99701

Doyon, Limited, Resource Department,
Doyon Building, 201 First Avenue,
Fairbanks, Alaska 99701

Helen Burleson,
Section Chief, Branch of ANCSA
Adjudication.

[FR Doc. 19750 Filed 7-25-84; 8:45 am]

BILLING CODE 4310-JA-M

[AA-50379-23, AA-50379-24, AA-50379-25]

Alaska; Alaska Native Claims Selection

In accordance with Departmental regulation 43 CFR 2650.7(d) (1983) (Amended 1984), notice is hereby given that a decision to issue conveyance (DIC) under the provisions of sections 12(c) and 14(h)(8) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1611(c), 1613(h)(8) (1976) (ANCSA), will be issued to Chugach Natives, Inc., for approximately 8,667 acres. The lands involved are within the Copper River Meridian, Alaska:

T. 9 S., R. 2 E.

T. 10 S., R. 4 E.

T. 12 S., R. 4 E.

T. 12 S., R. 5 E.

Upon issuance, the DIC will be published once a week, for four (4) consecutive weeks, in the Cordova Times. For information on how to obtain copies, contact the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

Any party claiming a property interest which is adversely affected by the decision shall have until August 27, 1984 to file and appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management, Division of Conveyance Management (960), address identified above, where the requirements for filing an appeal can be obtained. Parties who do not file an appeal in accordance with the requirements in 43 CFR Part 4, Subpart E (1983) (amended 1984) shall be deemed to have waived their rights.

Barbara A. Lange,
Section Chief, Branch of ANCSA
Adjudication.

[FR Doc. 84-19751 Filed 7-25-84; 8:45 am]

BILLING CODE 4310-JA-M

[F-19155-20; F-14912-B]

Alaska Native Claims Selection

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that the decision to issue conveyance to Northway Natives Incorporated, notice of which was

published in the Federal Register (43 FR. 28051-28055) on June 28, 1978, is vacated in part pursuant to an Alaska Native Claims Settlement Act Sec. 3(e) determination, on a portion of lands located within T. 15 N., R. 19 E., Copper River Meridian, Alaska.

Notice is hereby given that the decisions to issue conveyance to Doyon, Limited, notice of which was published in the Federal Register (43 FR 28048-28049 and 43 FR 28049-28050) on June 28, 1978, are vacated in part pursuant to an Alaska Native Claims Settlement Act Sec. 3(e) determination, on a portion of lands located within T. 15 N., R. 19 E., Copper River Meridian, Alaska.

Any party, known or unknown, who may claim a property interest which is adversely affected by the decision shall have until August 27, 1984 to file an appeal on the issue in the decision. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management, Division of Conveyance Management (960), 701 C Street, Box 13, Anchorage, Alaska 99513, where the requirements for filing an appeal can be obtained. Parties who do not file an appeal in accordance with the requirements in 43 CFR Part 4, Subpart E, as revised, shall be deemed to have waived their rights.

Helen Burleson,
Section Chief, Branch of ANCSA
Adjudication.

[FR Doc. 84-19752 Filed 7-25-84; 8:45 am]

BILLING CODE 4310-JA-M

[ES 30412—Mississippi]

Proposed Reinstatement of a Terminated Oil and Gas Lease

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed Reinstatement of a Terminated Oil and Gas Lease.

SUMMARY:

1. Federal oil and gas lease ES 30412 terminated automatically by operation of Law on April 1, 1983 (30 U.S.C. 188).

2. A petition for reinstatement of ES 30412 was filed by Edward F. Doran, Jr., (Lessee) under section 31 D of the Mineral Leasing Act of 1920, as amended by the Federal Oil and Gas Royalty Management Act of 1982 (96 Stat. 2447).

3. The Lessee has met all the following requirements of reinstatement:

- (a) \$500—Reimbursement of Department Administrative Cost
- (b) \$800—Back Rental Payments

(c) \$136—Estimated Publication Cost.

4. The proposed reinstatement of the lease would be under the same terms and conditions of the original lease, except the rental will be increased to \$5.00 per acre per year, and royalty increased to 16% percent beginning April 1, 1983.

FOR FURTHER INFORMATION CONTACT:

Ms. Carolyn Scoby, Bureau of Land Management, Eastern States Office, 350 South Pickett Street, Alexandria, Virginia 22304, (703) 235-2851.

Denise Meredith,

Acting State Director.

[FR Doc. 84-19812 Filed 7-25-84; 8:45 am]

BILLING CODE 4310-GJ-M

[ES-33435, Group 510]

Minnesota; Filings of Plats of Survey of Islands Stayed

July 18, 1984.

On Friday May 16, 1984, there was published in the *Federal Register*, Volume 49, at page 21125 a notice entitled "Filings of Plats of Survey of Islands". Included in said notice was a plat depicting the survey of islands located in T. 52 N., R. 18 W., Fourth Principal Meridian, Minnesota, accepted March 18, 1984.

The official filing of the plat is hereby stayed only insofar as it affects the plat for the above described Township, pending consideration of all protests and final determination on all objections to the plat. The plat will not be officially filed until the day after all protests have been resolved or subsequent appeals have been decided by the Interior Board of Land Appeals.

All inquiries relating to lands described in the notice published on May 16, 1984 should be sent to the Deputy State Director for Cadastral Survey, Eastern States Office, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 22304.

Patricia A. Webb,

Acting Deputy State Director for Cadastral Survey.

[FR Doc. 84-19778 Filed 7-25-84; 8:45 am]

BILLING CODE 4310-GJ-M

Nevada; Filing of Plats of Survey and Order Providing for Opening of Lands

July 16, 1984.

1. The Plats of Survey of lands described below will be officially filed at the Nevada State Office, Reno, Nevada, effective at 10:00 a.m., on August 23, 1984.

Mount Diablo Meridian, Nevada

T. 33 N., R. 69 E.

2. The land within the above township ranges from about 4,300 to 6,700 feet above sea level and is nearly level in the eastern 5 miles and mountainous in the western 1 mile. The soil is sandy clay loam, becoming gravelly in the mountains. Undergrowth consists of sagebrush, shadscale, native grass, sparse cacti, greasewood and Brigham tea, with scattered juniper and pinon pine at the higher elevations.

Interstate Highway No. 80 crosses the northeast corner of the township in sections 1 and 2. Western Pacific Railroad tracks enter in section 3, heading southerly to section 26, and turning easterly, leave the township in section 24. There are numerous access roads throughout the township.

Mount Diablo Meridian, Nevada

T. 34 N., R. 69 E.

3. The land within the above township ranges from about 4,300 to 5,400 feet above sea level and is nearly level to rolling land. The soil is sandy clay loam and rocky. Vegetation consists of sagebrush and native grass. Interstate Highway No. 80 crosses northwesterly to southeasterly, entering in sec. 6 and leaving in sec. 35. Other access is provided by numerous desert trail roads.

The Western Pacific Railroad crosses from northwest to southeast, entering in sec. 19 and leaving in sec. 34.

The township drains in a northeasterly direction.

No mineral formations were noted throughout the survey.

Principal users of the area are cattlemen.

4. Subject to valid existing rights, the provisions of existing withdrawals and classifications, and the requirements of applicable land laws, the lands described above are hereby open to such applications and petitions as may be permitted. All such valid applications received at or prior to 10:00 a.m. on August 23, 1984, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in order of filing. The lands described above have been open and continue to be open to the mining and mineral leasing laws.

5. The Plats of Survey of lands described below were officially filed at the Nevada State Office, Reno, Nevada, effective at 10:00 a.m., on June 27, 1984.

Mount Diablo Meridian, Nevada

T. 24 N., R. 38 E. (Dependent Resurvey)

T. 22 N., R. 39 E. (Dependent Resurvey)

T. 23 N., R. 39 E. (Dependent Resurvey)

T. 16 N., R. 64 E. (Dependent Resurvey)

T. 17 N., R. 64 E. (Dependent Resurvey)

The purpose of this notice is to inform the public and interested State and local

government officials of the filing of plats of survey. Inquiries concerning the surveys shall be addressed to the Nevada State Office, Bureau of Land Management, 300 Booth Street, P.O. Box 12000, Reno, Nevada 89520.

Wm. J. Malencik,

Deputy State Director, Operations.

[FR Doc. 84-19779 Filed 7-25-84; 8:45 am]

BILLING CODE 4310-84-M

Butte District, MT, District Advisory Council Meeting: Amendment

The dates for the Butte District Advisory Council meeting advertised in the July 11 edition of the *Federal Register* (49 FR 28330) are hereby changed from Tuesday and Wednesday, August 7 and 8, to Thursday and Friday, August 30 and 31, 1984. All other information remains the same.

Dated: July 20, 1984.

Jack A. McIntosh,

District Manager.

[FR Doc. 84-19776 Filed 7-25-84; 8:45 am]

BILLING CODE 4310-DN-M

Meeting of Moab District Advisory Council

July 18, 1984.

AGENCY: Bureau of Land Management, Utah, Interior.

ACTION: Notice of meeting of Moab District Advisory Council.

SUMMARY: The Council will meet at 9:00 a.m. August 22, 1984, at the Moab District Office, 82 East Dogwood, Moab, Utah.

SUPPLEMENTARY INFORMATION:

The Council is comprised of ten members appointed by the Secretary of Interior to provide representative citizen advice to the Moab District Manager on planning and management of public lands and natural resources. The agenda for the meeting includes organizations of committees, discussion of problems and issues, and public statements. The meeting is open to the public and opportunity for anyone to present statements before the Council will be provided at 2:00 p.m..

FOR FURTHER INFORMATION CONTACT: Mary Plumb, Public Affairs Officer, Bureau of Land Management, Moab District, 82 East Dogwood (P.O. Box 970), Moab, UT 84532, (801) 259-6111.

Gene Nodine,

District Manager.

[FR Doc. 84-19777 Filed 7-25-84; 8:45 am]

BILLING CODE 4370-84-M

[N-39160, et al.]

Realty Action—Competitive and Non-competitive Sales; Public Lands in NYE County, NV

The following described lands have been examined and determined suitable for sale under section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750; 43 U.S.C. 1713), at no less than the appraised fair market value.

T. 10 N., R. 47 E., M.D. M.

Section 7,
Lot 4..... 34.71 acres—Parcel N-39160.

T. 12 N., R. 47 E., M.D.M.

Section 7,
Lot 4, N1/2NE1/4, 238.36 acres.
SW1/4, SE1/4NW1/4,
NE1/4SW1/4.

Section 18,
Lots 1 and 2..... 76.84 acres.
315.22 acres—Parcel N-39161.

Section 30,
SE1/4SW1/4, 40 acres—Parcel N-39162.
SE1/4SE1/4, 40 acres—Parcel N-39163.

The minimum bid for each parcel will be its appraised fair market value. The proposed sale does not conflict with the Bureau's Tonopah Resource Area Management Framework Plan or with the Nye County Master Plan. The lands are being offered to facilitate land use planning and to enhance management of public and adjoining private lands. These lands have potential for agricultural, commercial, and other uses, and their sale would serve the public interest.

Parcels N-39160, N-39161, and N-39163 will be offered for sale to the public, by sealed bid. Sealed bids must be received at the Battle Mountain District Office no later than COB 27 September 1984.

Modified competitive bidding procedures will be in effect for parcel N-39163, allowing the adjacent landowner to meet the highest acceptable bid offered. N-39162 will be offered directly to the surrounding landowner. Opening of sealed bids will be at 10:00 a.m., Pacific Standard Time, on 28 September 1984 at the BLM Battle Mountain District Office, N. 2nd and Scott Streets, P.O. Box 1420, Battle Mountain, Nevada 89820. A sale brochure containing detailed information concerning the sale is available from this office, including specific information regarding appraised values, bidder qualifications, bidding procedures, payment, etc. Also available

are detailed physical descriptions of the parcels, site maps, and details of reservations and encumbrances affecting each parcel.

Successful purchasers shall be required, as a condition of the sale, to take the land subject to the existing active grazing use of any permittees/lessees. This requirement will expire on December 22, 1985 or upon receipt of a waiver signed by the permittees/lessees, whichever occurs first.

The following reservations to the United States will affect all parcels:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States, pursuant to the Act of August 30, 1890, (26 Stat. 391; 43 U.S.C. 945).

2. All leasable mineral deposits in the land so patented, and to it, or persons authorized by it, the right to prospect, mine and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe.

The patent, when issued, will be subject to all valid existing rights.

In addition to the above parcels, sealed bids will also be accepted for any remaining unsold parcels previously offered in sale actions N-36831 and N-36832:

N-36831—

T. 5 N., R. 50 E., M.D.M.,
Sec. 12, SE1/4SW1/4, SW1/4SE1/4;
Sec. 13, NW1/4NE1/4, S1/2NE1/4, NE1/4NW1/4,
S1/2NW1/4, N1/2SW1/4, SE1/4;
Sec. 24, N1/2NE1/4.

T. 5 N., R. 51 E., M.D.M.,
Sec. 18, lots 2 and 3, 709.15 acres.

N-36832—

T. 4 N., R. 51 E., M.D.M.,
Sec. 13, SE1/4SE1/4, 40 acres.

These parcels will not be offered for sale for at least 60 days from the date of this notice. Interested parties may submit comments for a period of 45 days from the date of publication of this notice in the Federal Register.

ADDRESS: Comments should be sent to: District Manager, Battle Mountain District, Bureau of Land Management, N. 2nd and Scott Streets, P.O. Box 1420, Battle Mountain, Nevada 89820.

Any adverse comments will be evaluated by the District Manager and forwarded to the Nevada State Director, Bureau of Land Management, who may vacate or modify this realty action and issue a final determination.

BLM may accept or reject any and all offers, or withdraw any land or interest in land from sale, if, in the opinion of the authorized officer, consummation of the

sale would not be fully consistent with FLPMA or other applicable laws.

Michael C. Mitchel,
Acting District Manager.

[FR Doc. 84-19774 Filed 7-25-84; 8:45 am]
BILLING CODE 4310-HC-M

Elko District Grazing Advisory Board; Meeting

In accordance with the Federal Advisory Committee Act and the Federal Land Policy and Management Act, notice is hereby given that the Elko District Grazing Advisory Board will meet on September 20, 1984. The meeting will start at 9:00 a.m. at the Stockmens Motor Hotel, 340 Commercial St., Elko, Nevada.

The agenda for the meeting will include: (1) A discussion of range improvement projects for FY 1985; (2) an update of FY 1984 range improvement projects; (3) an update on cooperative management agreements; (4) review of allotment management plans; (5) an update on monitoring and range condition inventory; (6) an update on the RMP-EIS progress for the Wells and Elko Resource Areas.

The meeting is open to the public. Interested persons may make oral statements to the Board between 1:30 p.m. and 2:00 p.m. or file written statements for the Board's consideration. Anyone wishing to make an oral statement must notify the District Manager, BLM, 2002 Idaho Street, Elko, Nevada 89801, by September 13, 1984. Depending on the number of persons wishing to make oral statements, a per person time limit may be established.

Summary minutes of the Board meeting will be maintained in the District Office and will be available for public inspection and reproduction during regular business hours within 30 days following the meeting.

Rodney Harris,
District Manager.

[FR Doc. 84-19785 Filed 7-25-84; 8:45 am]
BILLING CODE 4310-HC-M

[CA 16091]

Geothermal Resources Lease Sale for East Brawley, Dunes, Glamis, Geysers-Calistoga, Lake City Surprise Valley, Mono-Long Valley, Salton Sea, and Wendel Amedee KGRA's

Notice is hereby given that approximately 97,794.36 acres of land in 56 parcels within East Brawley (7,253.52 acres), Dunes (3,280.47 acres), Glamis (13,375.64 acres), Geysers-Calistoga (34,107.43 acres), Lake City Surprise

Valley (23,503.46 acres), Mono-Long Valley (1,114.91 acres), Salton Sea (13,775.04 acres), and Wendel Amedee (1,383.89 acres) KGRA's in Imperial, Lake, Lassen, Mendocino, Modoc, Mono, and Napa Counties, California, will be offered competitively for lease under the Geothermal Steam Act of 1970 through sealed bids to the qualified responsible bidder of the highest cash amount per parcel. Bids will be received until 10:00 a.m. on September 25, 1984.

For further information contact the California State Office, Division of Operations, Room E-2605, 2800 Cottage Way, Sacramento, California 95825. Phone (916) 484-4492.

Dated: July 19, 1984.

Joan B. Russell,

Chief, Leasable Minerals Section Branch of Lands and Minerals Operations.

[FR Doc. 84-19788 Filed 7-25-84; 8:45 am]

BILLING CODE 4310-84-M

[M-59125]

**Amendment to Realty Action;
Exchange of Public and Private Lands
in Custer, Dawson, Garfield and Carter
Counties, MT**

AGENCY: Bureau of Land Management, Miles City District Office, Interior.

ACTION: Amendment to realty action M-59125; Exchange of public and private lands in Custer, Dawson, Garfield and Carter Counties, Montana.

SUMMARY: The following described public lands determined to be suitable for disposal by exchange under section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716, have been added for consideration to be used to equalize exchange land values to complete the proposed land exchange described in the original Notice of Realty Action dated May 11, 1984.

Principal Meridian, Montana

T.4N., R.55E.,

Sec. 14: S½;

Sec. 28: NW¼NE¼, N½NW¼, SW¼, SW¼SW¼;

Sec. 28: W½NE¼, NW¼, N½SW¼.

Containing 960 acres.

T.3N., R.55E.,

Sec. 2: Lot 4 containing 52.72 acres;

T.3N., R.56E.,

Sec. 6: SW¼NW¼ containing 40 acres;

T.3N., R.57E.,

Sec. 2: E½SE¼ containing 80 acres.

Total Acreage: 1132.72 acres.

DATES: For a period of 45 days from the date of first publication of this notice, interested parties may submit comments to the District Manager, Bureau of Land Management, Garryowen Road, P.O. Box 940, Miles City, Montana 59301.

SUPPLEMENTARY INFORMATION: All other descriptions in the original Notice of Realty Action are still effective in this amendment.

Dated: July 17, 1984.

[FR Doc. 84-19789 Filed 7-25-84; 8:45 am]

BILLING CODE 4310-DN-M

Minerals Management Service

**Outer Continental Shelf; Proposed
Development and Production Plan;
Availability of Final Environmental
Impact Statement**

AGENCY: Minerals Management Service, U.S. Department of the Interior.

ACTION: Notice of availability for environmental impact statement/ environmental impact report.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Minerals Management Service, Santa Barbara County and California State Lands Commission have jointly prepared a final Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the Exxon Santa Ynez Unit/Las Flores Canyon Development and Production Plan proposed for the western Santa Barbara Channel, offshore Santa Barbara County, California. Single copies of the final EIS/EIR can be obtained from Santa Barbara County, Resource Management Department, Energy Division, 123 East Anapamu Street, Santa Barbara, California 93101.

Technical appendices have been prepared for each issue area and provide detailed supporting data for the final EIS/EIR. The technical appendices may be obtained individually or as a unit by forwarding a written request to the above address. When requesting an individual appendix, refer to the following titles:

Air Quality and Meteorology

Marine Biology

Geology, Surface Water,

Ground Water

Physical Oceanography/

Marine Water Quality

Project Alternatives

Terrestrial Biology

Systems Safety and Reliability

Socioeconomics

Cultural Resources

Other supporting documents available upon request are:

—Exxon Pipeline Feasibility Study prepared for Santa Barbara County Resource Management Department by Purvin and Gertz, Inc. and County Staff Report.

—Oil Transportation Plan prepared for Santa Barbara County by Woodward-

Clyde Consultants and Arthur D. Little Inc.

Copies of the final EIS/EIR will also be available for review in the following public libraries:

Cal Poly State University Library, DS 56D, Document Section, San Luis Obispo, CA 93401

County of Ventura Library, Documents Section, P.O. Box 771, Ventura, CA 93001

Santa Barbara Public Library, 40 E. Anapamu Street, Santa Barbara, CA 93101

University of California Library, Santa Barbara Campus, Santa Barbara, CA 93117

County of Los Angeles Public Library, Govt. Pub. Unit, 330 W. Temple, Los Angeles, CA 90012

Long Beach Public Library, Govt. Pub. Dept., Ocean & Pacific, Long Beach, CA 90802

State Library—Govt. Pub. Sec., Attn: Beverly Pettijohn, P.O. Box 2037, Sacramento, CA 95814

San Luis Obispo, City/County Library, 1354 Bishop Street, San Luis Obispo, CA 93406.

Agencies, interested groups or individuals needing further information should contact Lynnette Vesco at (213) 688-6745 or (213) 688-7234, or write to the Regional Manager, Minerals Management Service, 1340 W. Sixth Street, Los Angeles, CA 90017.

Dated: July 20, 1984.

John F. Fields,

Regional Supervisor, Office of Leasing and Environment.

[FR Doc. 84-19862 Filed 7-25-84; 8:45 am]

BILLING CODE 4310-MR-M

**NATIONAL FOUNDATION ON THE
ARTS AND HUMANITIES**

Music Advisory Panel Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Music Advisory Panel (Opera-Musical Theater—Professional Companies) to the National Council on the Arts will be held on August 14-17, 1984 from 9:00 a.m.-5:30 p.m. in Room MO-7 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW, Washington, DC.

A portion of this meeting will be open to the public on August 14 from 9:00 a.m.-9:30 a.m. to discuss introductions and update.

The remaining sessions of this meeting on August 14 from 9:30 a.m.-5:30 p.m. and on August 15-17 from 9:00

a.m.-5:30 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the *Federal Register* of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call 202/682-5433.

Dated: July 20, 1984.

John H. Clark,
Director, Council and Panel Operations,
National Endowment for the Arts.

[FR Doc. 84-19787 Filed 7-25-84; 8:45 am]
BILLING CODE 7537-01-M

Humanities Panel Meeting

AGENCY: National Endowment for the Humanities.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, as amended), notice is hereby given that the following meeting of the Humanities Panel will be held at the Old Post Office, 1100 Pennsylvania Street, NW., Washington, D.C. 20506.

DATE: August 16-17, 1984.
Time: 9:00 a.m. to 5:00 p.m.
Room: 415.

Program: This meeting will review applications submitted for Special Projects/Youth Projects Program, Division of General Programs, for projects beginning after January 1, 1985.

The proposed meeting is for the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. Because the proposed meeting will consider information that is likely to disclose: (1) Trade secrets and commercial or financial information obtained from a person and privileged or confidential; (2) information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of

personal privacy; and (3) information the disclosure of which would significantly frustrate implementation of proposed agency; pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that this meeting will be closed to the public pursuant to subsections (c) (4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information about this meeting can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, D.C. 20506, or call (202) 786-0322.

Stephen J. McCleary,
Advisory Committee, Management Officer.

[FR Doc. 84-19834 Filed 7-25-84; 8:45 am]
BILLING CODE 7536-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-318]

Baltimore Gas and Electric Company; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-69, issued to Baltimore Gas and Electric Company (the licensee), for operation of the Calvert Cliffs Nuclear Power Plant, Unit No. 2, located in Calvert County, Maryland.

Environmental Assessment

Identification of Proposed Action: The amendment would revise the provisions in the Technical Specifications (TS) relating to the operability and surveillance for the auxiliary feedwater (AFW) system. The proposed revision to TS 3/4.7.1.2, "Auxiliary Feedwater System" includes a provision to extend the maximum period of inoperability of an auxiliary feedwater pump from 72 hours to 7 days.

The proposed change to TS 3/4.7.1.2 is in accordance with the licensee's application for amendment dated April 9, 1984, as supplemented by a letter dated May 4, 1984.

The Need for the Proposed Action: The proposed change to the TS is required in order to provide the licensee with additional flexibility with regard to operability of the AFW system. In addition the proposed changes to the TS

reflect recent modifications to the AFW system.

Environmental Impacts of the Proposed Action: The Commission has completed its evaluation of the proposed revisions to TS 3/4.7.1.2 and concludes that for accidents where auxiliary feedwater is required, post-accident radiological releases will not be greater than previously determined nor does the proposed change otherwise affect radiological plant effluents, and there is no significant increase in occupational exposures. Therefore, the Commission concludes that there are no significant radiological environmental impacts associated with this proposed amendment.

The Notice of Consideration of Issuance of Amendment and Opportunity for Prior Hearing in connection with this action was published in the *Federal Register* on May 8, 1984 (49 FR 19586). Since the proposed change involves an increase in the allowable out-of-service time for an auxiliary feedwater pump, without compensatory measures, the Commission identified this action as involving significant hazards considerations. No request for hearing on petition for leave to intervene was filed following this notice.

With regard to potential non-radiological impacts, the proposed change to the TS involves a system located entirely within the restricted area as defined in 10 CFR Part 20. It does not affect non-radiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant non-radiological environmental impacts associated with the proposed amendment.

Alternative to the Proposed Action: Since we have concluded that there is no measureable environmental impact associated with the proposed changes to the TS, any alternatives to these changes will have either no environmental impact or greater environmental impact.

The principal alternative would be to deny the requested amendment. This would not reduce environmental impacts of plant operation and would result in reduced operational flexibility.

Alternative Use of Resources: This action does not involve the use of resources not previously considered in connection with the "Final Environmental Statement Relating to Operation of Calvert Cliffs Nuclear Power Plant Units 1 and 2" dated April 1973.

Agencies and Persons Consulted: The NRC staff reviewed the licensee's

request and did not consult other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed license amendment.

Based upon the foregoing environmental assessment, we conclude that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the application for amendment dated April 9, 1984 and a supplement dated May 4, 1984, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Calvert County Library, Prince Frederick, Maryland.

Dated at Bethesda, Maryland this 20th day of July, 1984.

For the Nuclear Regulatory Commission,
Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 84-19824 Filed 7-25-84; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-352A]

Philadelphia Electric Company; Finding of No Significant Antitrust Changes and Time for Filing Requests for Reevaluation

The Director of Nuclear Reactor Regulation has made an initial finding in accordance with section 105c(2) of the Atomic Energy Act of 1954, as amended, that no significant (antitrust) changes in the licensee's activities or proposed activities have occurred subsequent to the previous construction permit review of Unit 1 of the Limerick Generating Station by the Attorney General and the Commission. The finding is as follows:

Section 105c(2) of the Atomic Energy Act of 1954, as amended, provides for an antitrust review of an application for an operating license if the Commission determines that significant changes in the licensee's activities or proposed activities have occurred subsequent to the previous construction permit review. The Commission has delegated the authority to make the "significant change" determination to the Director, Office of Nuclear Reactor Regulation. Based upon an examination of the events since issuance of the Limerick 1 construction permit to the Philadelphia Electric Company, the staffs of the Antitrust and Economic Analysis Section of the Site Analysis Branch, Office of Nuclear Reactor Regulation and the Antitrust Section of the Office of Executive Legal Director, hereafter referred to as "staff", have jointly concluded, after consultation with the Department of

Justice, that the changes that have occurred since the construction permit (CP) antitrust review are not of the nature to require a second antitrust review at the operating license (OL) stage of the application.

In reaching this conclusion, the staff considered that structure of the electric utility industry in Pennsylvania, the events relevant to the Limerick 1 construction permit review and the events that have occurred subsequent to the construction permit review.

The conclusion of the staff's analysis is as follows:

Philadelphia Electric Company (PEC) has applied for a license to operate the Limerick Generating Station, Unit 1 (Limerick 1). Staff has examined the activities and proposed activities of PEC since the Limerick 1 construction permit (CP) antitrust review was completed in 1971 to determine if any "significant changes" of an antitrust nature have occurred. In its analysis, staff has considered changes by PEC with respect to its participation in the Pennsylvania, New Jersey, Maryland (P-J-M) power pool and its coordination and wholesale arrangements outside of the pool. None of these changes appear to be of a "significant" antitrust nature.

Staff has further considered PEC's activities with regard to the Fulton Generating Station (Fulton) nuclear plant application, the outcome of the Fulton CP antitrust review and the subsequent conduct of PEC that is pertinent to that review. As a result of the Fulton CP review, PEC obligated itself to provide transmission services to the Borough of Lansdale (Lansdale). The commitment to the Department of Justice (Justice) was conditioned on a recommendation of "no hearing" by Justice to the Commission with regard to the Fulton CP antitrust review. Justice, in fact, did so advise the Commission and the Justice advice letter was published in the *Federal Register*. Subsequently, PEC refused a wheeling request from Lansdale, and Lansdale brought an antitrust action in the U.S. District Court against PEC based on its refusal to wheel. After a trial on the merits the Court found for PEC and dismissed Lansdale's complaint. On appeal, the U.S. Court of Appeals for the Third Circuit also decided in favor of PEC and dismissed Lansdale's appeal.

In view of the advice letter by the Department of Justice to the Commission in connection with the Fulton facility, the staff believed that the refusal to wheel wholesale power represented a change in the activities of PEC during the period subsequent to the Limerick CP antitrust review. However, staff has found that the refusal does not have significant antitrust implications. This finding is based on an analysis by the staff of the options still available to Lansdale to receive wholesale power, and is supported by decisions of the U.S. District Court and the U.S. Court of Appeals regarding this same matter.

From the foregoing, staff does not believe the changes in the activities of Philadelphia Electric Company since the CP antitrust review for Limerick 1 represent a "significant change" under the Commission's criteria.

Based on the staff's analysis, it is my finding that a formal operating license

antitrust review of the Limerick Nuclear Station, Unit 1 is not required.

Signed on July 11, 1984 by Harold R. Denton, Director of Office of Nuclear Reactor Regulation.

Any person whose interest may be affected by this finding may file with full particulars a request for reevaluation with the Director of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 within 30 days after the date of the publication. Requests for a reevaluation of the no significant change determination shall be accepted after the date when the Director's finding becomes final but before the issuance of the OL only if they contain new information, such as information about facts or events of antitrust significance that have occurred since that date, or information that could not reasonably have been submitted prior to that date.

William H. Regan, Jr.,

Chief, Site Analysis Branch, Division of Engineering, Office of Nuclear Reactor Regulation.

[FR Doc. 84-19825 Filed 7-25-84; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-346]

Toledo Edison Co. and the Cleveland Electric Illuminating Co.; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from the requirements of Appendix E to 10 CFR Part 50 to Toledo Edison Company and the Cleveland Electric Illuminating Company, the licensees for the Davis-Besse Nuclear Power Station, Unit No. 1, located in Ottawa County, Ohio.

Environmental Assessment

Identification of Proposed Action: The exemption would permit the July 31, 1984 emergency preparedness exercise at the Davis-Besse Nuclear Power Station to be held without state and local government participation. The proposed exemption is in accordance with the licensees' request for exemption dated April 11, 1984.

The Need for the Proposed Action: 10 CFR 50.54(q) requires a licensee authorized to operate a nuclear power reactor to follow and maintain in effect emergency plans which meet the standards of § 50.47(b) and the requirements of Appendix E to 10 CFR Part 50. Section IV.F of Appendix E requires each licensee to conduct annual emergency preparedness exercises at

each site with participation by appropriate state and local government agencies.

On September 28, 1983, the Federal Emergency Management Agency (FEMA) issued, in final form, a new rule (44 CFR Part 350) which established policy and procedures for the review and approval by FEMA of state and local emergency plans and preparedness for coping with the offsite effects of radiological emergencies at nuclear power plants.

An NRC Information Notice, No. 84-05, entitled "Exercise Frequency" was issued on January 16, 1984, to bring to the attention of all licensees this change to a biennial exercise requirement for state and local governments as specified in the FEMA rule. The Notice stated that licensees should continue to follow the current annual exercise frequency requirements as stated in NRC's regulations, and that they may conform with FEMA rule only by specific request for exemption from the NRC requirement. By letter dated December 27, 1983, Region V of FEMA advised that it had been determined that the State of Ohio and Ottawa County are eligible for exercising biennially. Therefore, the state and local jurisdictions could be excluded from participation in the Davis-Besse exercise scheduled for July 31, 1984.

Environmental Impact of the Proposed Action: The proposed exemption affects only the participation of the state and local government agencies in the annual emergency preparedness exercise and does not affect the risk of facility accidents. Thus, post-accident radiological releases will not differ from those determined previously, and the proposed relief does not otherwise affect facility radiological effluents, or any significant occupational exposures. Likewise, the relief does not affect facility nonradiological effluents and has no other environmental impact. Therefore, the Commission concludes there are no measurable radiological or nonradiological environmental impacts associated with the proposed exemption.

Since the Commission has concluded there is no measurable environmental impact associated with the proposed exemption, any alternatives either will have no environmental impact or will have a greater environmental impact. The principal alternative to the exemption would be to require literal compliance with Section IV.F of Appendix E to 10 CFR Part 50. Such an action would not enhance the protection of the environment and would result in unnecessary expenditure of state and

local government resources to participate in the exercise.

Alternative Use of Resources: This action does not involve the use of resources not considered previously in connection with the Final Environmental Statements relating to this facility. *Environmental Statement on Davis-Besse Nuclear Power Station, Unit 1, Docket 50-346 (March 1973), and Final Environmental Statement Related to Operation of Davis-Besse Nuclear Power Station, Unit 1, NUREG-75/097 (October 1975).*

Agencies and Persons Consulted: The Commission's staff reviewed the licensees' request, the FEMA letter discussed above, the FEMA Final Report of the 1983 exercise at the Davis-Besse Nuclear Power Station and a memorandum from FEMA to the NRC dated May 4, 1984, transmitting the Final Report of the joint exercise held in 1983 and which states that the State of Ohio and Ottawa County have demonstrated an overall capability to protect the health and safety of the public. The NRC staff did not consult other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed exemption.

Based upon the environmental assessment, we conclude that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the request for exemption dated April 11, 1984, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., at the University of Toledo Library, Documents Department, 2801 Bancroft Avenue, Toledo, Ohio 43606.

Dated at Bethesda, Maryland, this 23rd day of August, 1984.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 84-19826 Filed 7-25-84; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards; Proposed Meetings

In order to provide advance information regarding proposed public meetings of the ACRS Subcommittees and meetings of the full Committee, the following preliminary schedule is published to reflect the current situation, taking into account additional meetings which have been scheduled and

meetings which have been postponed or cancelled since the last list of proposed meetings published June 27, 1984 (49 FR 26324). Those meetings which are definitely scheduled have had, or will have, an individual notice published in the Federal Register approximately 15 days (or more) prior to the meeting. It is expected that the sessions of the full Committee meeting designated by an asterisk (*) will be open in whole or in part to the public. ACRS full Committee meetings begin at 8:30 a.m. and Subcommittee meetings usually begin at 8:30 a.m. The time when items listed on the agenda will be discussed during full Committee meetings and when Subcommittee meetings will start will be published prior to each meeting. Information as to whether a meeting has been firmly scheduled, cancelled, or rescheduled, or whether changes have been made in the agenda for the August 1984 ACRS full Committee meeting can be obtained by a prepaid telephone call to the Office of the Executive Director of the Committee (telephone 202/634-3267, ATTN: Barbara Jo White) between 8:15 a.m. and 5:00 p.m., Eastern Time.

ACRS Subcommittee Meetings

Qualification Program for Safety-Related Equipment, July 30, 1984, Washington, DC. The Subcommittee will discuss the process for evaluating equipment qualification programs. This will include a discussion of qualification of equipment outside of containment and the NRC aging research program.

Emergency Core Cooling Systems, July 31, 1984, Washington, DC. The Subcommittee will discuss the following items: (1) NRC Staff plans to designate generic issue "Reactor Coolant Pump Seal Failures" as an Unresolved Safety Issue; (2) the status of the thermal hydraulic program in support of the PTS issue; (3) the status of Yankee Atomic Electric's decay heat exemption request; (4) the status of SBLOCA model revisions; (5) the status of the RCP trip issue; (6) the status of ECCS upper plenum evaluation model revision; (7) the status of the RES Appendix K revision effort; (8) NRC approval of the use of the RETRAN code for licensing applications; and (9) the status of the NRC RES supported international 2D/3D research program (closed session).

Maintenance Practices and Procedures, August 7, 1984—Cancelled.

Combined Waste Management and Reactor Radiological Effects, August 7 and 8, 1984 Washington, DC. The Subcommittee will continue the discussion with representatives of the Department of Energy (DOE) on DOE's draft Mission Plan for the civilian

radwaste management program. Other related topics will also be reviewed.

Safety Philosophy, Technology, and Criteria, August 8, 1984—Cancelled.

Combined Millstone Unit 3/Reliability and Probabilistic Assessment, August 28 and 29, 1984, Waterford, CT. The Subcommittees will review the application for an operating license by the Northeast Nuclear Energy Company for Millstone Unit 3 and the associated PRA.

Regulatory Policies and Practices, September 4, 1984, Washington, DC. The Subcommittee will review experience with the interim backfit procedures now in effect and any revisions resulting from public comments.

Regulatory Policies and Practices, September 5, 1984, Washington, DC. The Subcommittee will consider advice to the Commission concerning Congressional inquiry regarding the establishment of a NTSB-like body for nuclear reactor safety.

Quality and Quality Assurance in Design and Construction, September 11, 1984, Washington, DC. The Subcommittee will discuss the quantity and quality of quality assurance control personnel at nuclear power plants during construction and the use of designated representatives in QC practices.

Combined Reactor Radiological Effects/Humboldt Bay, September 11 and 12, 1984 (tentative), Eureka, CA. The Subcommittees will visit the site and review the plant's decommissioning plans and procedures.

Metal Components, September 13, 1984, Washington, DC. The Subcommittee will review the status of BWR pipe crack matters.

Combined GESSAR II/Reliability and Probabilistic Assessment, September 19 and 20 or September 20 and 21, 1984, Los Angeles, CA. The Subcommittee will continue the review of the General Electric Standard Safety Analysis Report to extend the Final Design Approval so that it will be applicable to future plants. The review will focus on the GESSAR II treatment of severe accidents and the probabilistic risk assessment performed in connection with the GESSAR II design.

Westinghouse Water Reactors, Date to be determined (September, tentative), Washington, DC. The Subcommittee will begin its review of the Westinghouse Advanced Pressurized Water Reactor (SP-90) for Preliminary Design Approval.

Maintenance Practices and Procedures, Date to be determined (September, tentative). The Subcommittee will be briefed on

Battelle's analysis of Japanese maintenance practices and procedures.

Human Factors, Date to be determined (September/October), Washington, DC. The Subcommittee will review: (1) Training and qualifications of civilian nuclear power plant personnel; (2) proposed rule making on requirements for Senior Managers; (3) the nuclear industry's proposed solution to provide Shift Operating Experience: Industry Solution; and (4) a proposed ACRS response to Chairman Palladino's memo dated April 19, 1984 regarding Reactor Operator Experience.

Combined Reliability and Probabilistic Assessment/Limerick, Date to be determined (early October), Washington, DC. The Subcommittees will review the probabilistic risk assessment for the Limerick Plant.

Safeguards and Security, Date to be determined (October), Washington, DC. The Subcommittee will review design features for protection against sabotage at commercial nuclear power reactors and to explore the potential consequences of successful sabotage at nonpower reactors.

Braidwood, Date to be determined (November), Washington, DC. The Subcommittee will continue to review the application for an operating license for the Braidwood Plant.

Electrical Systems, Date to be determined, Washington, D.C. The Subcommittee will discuss Westinghouse Advanced Pressurized Water Reactor (WAPWR) Integrated Control and Protection System.

ACRS Full Committee Meeting

August 9-11, 1984: Items are tentatively scheduled.

*A. *Decay Heat Removal*—consider proposed NRC action plan for resolution of USI A-45, Decay Heat Removal.

*B. *Characterization of Generic Safety and Licensing Issues*—discuss proposed application of generic safety and licensing issues to future standardized nuclear power plants.

*C. *Disposal of Radioactive Wastes*—discuss proposed NRC revision of 10 CFR Part 60, Disposal of High Level Wastes in Geologic Repositories and the proposed DOE Mission Plan for the Civilian Radioactive Waste Management Program.

*D. *Engineering Expertise on Shift*—discuss proposed NRC policy statement regarding requirements for engineering expertise on shift.

*E. *NRC Safety Research Program*—discuss proposed procedure for preparation of ACRS topical reports to the NRC Staff regarding the NRC Safety Research Program. Portions of specific reports may also be discussed.

*F. *Selection of Unresolved Safety Issues*—discuss proposed NRC Staff characterization of unresolved generic items as Unresolved Safety Issues including the upgrade of Generic Issue-23, Reactor Coolant Pump Seal Failures to an USI.

*G. *Recent Operating Experiences at Nuclear Power Plants*—briefings by members of the NRC Staff regarding recent events and incidents at nuclear power plants.

*H. *Palo Verde Nuclear Plant*—Briefing regarding resolution of items in ACRS report of December 15, 1981 regarding proposed operation of this plant.

*I. *Reactor Trip Breaker Undervoltage Attachments*—briefing by representatives of the NRC Staff regarding a proposed NRC bulletin regarding this matter.

*J. *Qualification Program for Safety Related Equipment*—discuss proposed program for qualification of safety related equipment in nuclear power plant and recent report of AEOD (AEOD/C402) regarding moisture intrusion into electrical equipment.

*K. *Reports of ACRS Subcommittees*—the members will hear and discuss reports of the activities of ACRS subcommittees concerning safety related matters including a recent meeting of ACRS members with members of the RSK.

*L. *Future ACRS Activities*—anticipated activities of ACRS subcommittees and items proposed for consideration by the full committee will be discussed.

*M. *Activities of Atomic Safety and Licensing Boards*—briefing by AS&LB chairman regarding activities of the licensing boards.

*N. *Consideration of Severe Accidents*—discuss proposed ACRS comments regarding the probabilities of severe accidents at nuclear power plants.

September 6-8, 1984—Agenda to be announced.

October 11-13, 1984—Agenda to be announced.

Dated: July 19, 1984.

John C. Hoyle,
Advisory Committee Management Officer.

[FR Doc. 84-19283 Filed 7-25-84; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards; Subcommittee on Safety Philosophy, Technology and Criteria; Cancelled Meeting

The ACRS Subcommittee on Safety Philosophy, Technology and Criteria

scheduled for August 8, 1984, Room 1167, 1717 H Street, NW, Washington, DC has been cancelled indefinitely. Notice of this meeting was published Friday, July 20, 1984 (49 FR 29492).

Dated: July 23, 1984.

Morton W. Libarkin,

Assistant Executive Director for Project Review.

[FR Doc. 84-19822 Filed 7-25-84; 8:45 am]

BILLING CODE 7590-01-M

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review

AGENCY: Railroad Retirement Board.

ACTION: In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the Board has submitted the following proposal(s) for the collection of information to the Office of Management and Budget for review and approval.

Summary of Proposal(s):

- (1) Collection title: Medical Evidence to Support Claimed Disability.
- (2) Form(s) submitted: RL-12.
- (3) Type of request: Extension of the expiration date of a currently approved collection without any change in the substance or in the method of collection.
- (4) Frequency of use: On occasion.
- (5) Respondents: Business or other for profit.
- (6) Annual responses: 10,000.
- (7) Annual reporting hours: 10,000.
- (8) Collection description: Section 2 of the Railroad Retirement Act provides disability annuities for qualified railroad workers. To determine whether an applicant meets the disability requirements, the Board utilizes consultative medical services for information needed to supplement the medical evidence submitted by the applicant's physician.

Additional Information or Comments

Copies of the proposed forms and supporting documents may be obtained from Pauline Lohens, the agency clearance officer (312-751-4692). Comments regarding the information collection should be addressed to Pauline Lohens, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611 and the OMB reviewer, Robert Fishman (202-395-6880), Office of Management and Budget, Room 3201,

New Executive Office Building, Washington, D.C. 20503.

Pauline Lohens,

Director of Information and Data Management.

[FR Doc. 84-19786 Filed 7-25-84; 8:45 am]

BILLING CODE 7905-01-M

SECURITIES AND EXCHANGE COMMISSION

Self-Regulatory Organizations; Boston Stock Exchange, Inc.; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

July 20, 1984.

In the Matter of Applications of the Boston Stock Exchange, Inc. For Unlisted Trading Privileges in Certain Securities; Securities Exchange Act of 1934.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

CCX, Inc.

Common Stock, \$2 Par Value (File No. 7-7682)

Comdisco, Inc.

Common Stock, \$10 Par Value (File No. 7-7683)

Consolidated Foods Corp.

Common Stock, \$1.333 Par Value (File No. 7-7684)

Chieftain Development Co., LTD.

Common Stock, No Par Value (File No. 7-7685)

Cominco, LTD.

Common Stock, No Par Value (File No. 7-7686)

Canadian Marconi Co.

Common Stock, \$1 Par Value (File No. 7-7687)

Chicago & Northwestern Transportation Co.

Common Stock, \$.28 Par Value (File No. 7-7688)

Diversified Industries, Inc.

Common Stock, \$.50 Par Value (File No. 7-7689)

Dravo Corp.

Common Stock, \$1 Par Value (File No. 7-7690)

Electronic Associates, Inc.

Common Stock, \$1 Par Value (File No. 7-7691)

Emery Air Freight Corp.

Common Stock, \$.20 Par Value (File No. 7-7692)

Evaluation Research Corp.

Common Stock, \$.05 Par Value (File No. 7-7693)

These securities are listed and registered on one or more other national

securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before August 9, 1984 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 84-19817 Filed 7-25-84; 8:45 am]

BILLING CODE 3010-01-M

Self-Regulatory Organizations; Boston Stock Exchange, Inc.; Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

July 20, 1984.

In the Matter of Applications of the Boston Stock Exchange, Inc.; For Unlisted Trading Privileges in Certain Securities; Securities Exchange Act of 1934.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

Anacomp, Inc.

Common Stock, \$1 Par Value (File No. 7-77694)

Alexander & Alexander Services, Inc.

Common Stock, \$1 Par Value (File No. 7-7695)

Analog Devices, Inc.

Common Stock, 16 $\frac{1}{2}$ ¢ Par Value (File No. 7-77696)

Advest Group, Inc.

Common Stock, \$1 Par Value (File No. 7-77697)

A. G. Edwards & Sons, Inc.

Common Stock, \$1 Par Value (File No. 7-7698)

Amfac, Inc.

Common Stock, No Par Value (File No. 7-7699)

Anthony Industries, Inc.

Common Stock, \$1 Par Value (File No.

7-7700)
 Anixter Brothers, Inc.
 Common Stock, \$1 Par Value (File No. 7-7701)
 American Plan Corp.
 Common Stock, \$1 Par Value (File No. 7-7702)
 Arlen Realty & Development Corp.
 Common Stock, \$1 Par Value (File No. 7-7703)
 American Sterilizer Co.
 Common Stock, 83 1/4¢ Par Value (File No. 7-7704)
 AZL Resources
 Common Stock, No Par Value (File No. 7-7705)
 Artra Group, Inc.
 Common Stock, No Par Value (File No. 7-7706)
 Black Hills Power & Light Co.
 Common Stock, \$1 Par Value (File No. 7-7707)
 BSN Corp.
 Common Stock, \$.01 Par Value (File No. 7-7708)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before August 9, 1984 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 84-19819 Filed 7-25-84; 8:45 am]

BILLING CODE 8010-01-M

Self-Regulatory Organization; Midwest Stock Exchange, Inc.; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

July 20, 1984.

In the Matter of Applications of the MIDWEST STOCK EXCHANGE, INC. For unlisted Trading Privileges in Certain Securities; Securities Exchange Act of 1934.

The above named national securities exchange has filed applications with the Securities and Exchange Commission

pursuant to Section 12(f)(1) (B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of:

The Circle K Corporation
 Common Stock, \$1 Par Value (File No. 7-7679)
 Goldfield Corporation
 Common Stock, \$.10 Par Value (File No. 7-7680)
 Galaxy Oil
 Common Stock, \$.10 Par Value (File No. 7-7681)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before August 10, 1984 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 84-19818 Filed 7-25-84; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Interest Rates

The interest rate on section 7(a) Small Business Administration direct business loans (as amended by Pub. L. 97-35) and the SBA share of immediate participation loans is fourteen (14) percent for the fiscal quarter beginning July 1, 1984.

On a quarterly basis, the Small Business Administration also publishes an interest rate called the optional "peg" rate (13 CFR 120.3(b)(2)(iii)). This rate is a weighted average cost of money to the government for maturities similar to the average SBA loan. This rate may be used as a base rate for guaranteed fluctuating interest rate SBA loans. For the July-September quarter of 1984, this

rate will be twelve and three-fourths (12 3/4) percent.

Edwin T. Holloway,

Associate Administrator for Finance and Investment.

[FR Doc. 84-19726 Filed 7-25-84; 8:45 am]

BILLING CODE 8025-01-M

Region III Advisory Council Meeting

The U.S. Small Business Administration, Region III Advisory Council, located in the geographical area of Pittsburgh, will hold a Public Meeting starting at Noon on Wednesday, August 22, adjourn 3:00 p.m. August 23, 1984 at the Pike Run Country Club, Jones Mills, PA 15646, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call, Joseph M. Kopp, District Director, U.S. Small Business Administration, 960 Penn Avenue, Convention Tower, 5th Floor, Pittsburgh, Pennsylvania 15222—Telephone Number (412) 644-4306.

Dated: July 17, 1984.

Jean M. Nowak,

Director, Office of Advisory Councils.

[FR Doc. 84-19730 Filed 7-25-84; 8:45 am]

BILLING CODE 8025-01-M

Reporting and Recordkeeping Requirement Under OMB Review

ACTION: Notice of reporting requirements submitted for OMB review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed reporting and recordkeeping requirement to OMB for review and approval, and to publish notice in the *Federal Register* that the agency has made such a submission.

DATE: Comments must be received on or before August 31, 1984. If you anticipate commenting on a submission but find that time to prepare will prevent you from submitting comments promptly, you should advise the OMB reviewer and the Agency Clearance Officer of your intent as early as possible.

Copies: Copies of the forms, the requests for clearance (S.F. 83), supporting statements, instructions, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer. Comments on the item listed should be submitted to the Agency Clearance Officer and the OMB Reviewer.

FOR FURTHER INFORMATION CONTACT:

Agency Clearance Officer: Elizabeth M. Zaig, Small Business Administration, 1441 L St., NW., Room 200, Washington, D.C. 20416, Telephone: (202) 653-8538.

OMB Reviewer: J. Timothy Sprehe, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3235, New Executive Office Building, Washington, D.C. 20503, Telephone: (202) 395-4814.

Information Collections Submitted for Review

Title: Reporting and Recordkeeping Requirements on Non-Bank Lenders
Frequency: Annually

Description of Respondents: Non-Bank Lenders

Annual Responses: 160

Annual Burden Hours: 960

Type of Request: Reinstatement

Title: Lender Transcript of Account
Form No.: SBA 1149

Frequency: Upon request by lender
Description of Respondents: Lenders who request SBA to purchase their guaranty portion of a loan

Annual Responses: 7,080

Annual Burden Hours: 7,080

Type of Request: Resubmission

Title: Status of Guaranty Loan Balances
Form No.: SBA 1175

Frequency: Quarterly

Description of Respondents: Lenders

Annual Responses: 20,000

Annual Burden Hours: 20,000

Type of Request: Resubmission

Dated: July 20, 1984.

Elizabeth M. Zaig,

Chief, Information Resources Management Branch, Small Business Administration.

(FR Doc. 84-19729 Filed 7-25-84; 8:45 am)

BILLING CODE 8025-01-M

[License No. 06/06-0184]

TSM Corp.; Filing of Application for Transfer of Control

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to § 107.601 of the Regulations governing small business investment companies (13 CFR 107.601 (1984)), for transfer of control of TSM Corp. (TSM), 444 Executive Center Boulevard, El Paso, Texas 79902, a Federal Licensee under the Small Business Investment Act of 1958 (the Act) as amended (15 U.S.C. 661 *et seq.*).

TSM was licensed on November 16, 1976.

The current owners of TSM are:

Tri State Wholesale Associated Grocers,

Inc., 100 Hawkins, El Paso, Texas 79925, 38.9%

United Mercantile Corporation, 444

Executive Center Boulevard, El Paso, Texas 79902, 35.2%

Twenty-three other shareholders, each owning less than 5 percent, 25.9%

United Mercantile Corporation (UMC) proposes to purchase the stock currently held by Tri State Wholesale Grocers, Inc., and the individual shareholders, resulting in UMC owning 100 percent of the stock of TSM. UMC is owned by:

L. Joe Justice, 7356 Wind Song, El Paso, Texas 79912, 50%

J.A. Cardwell, 5467 Westside Road, El Paso, Texas 79932, 50%

The officers and directors of TSM will not change. They are:

Harry W. Anderson, President, Director, 1000 Hawkins, El Paso, Texas 79925

Fred Davidoff, Secretary, Director, 4329 Buckingham, El Paso, Texas 79925

Alfred P. Walsh, Vice President, Director, 1601 McRae, El Paso, Texas 79925

Steven C. Maxwell, Treasurer, Director, 222 Remcon, El Paso, Texas 79912

L. Joe Justice, Investment Advisor/Manager and Director, 7356 Wind Song, El Paso, Texas 79912

Don Lane, Assistant Secretary, Director, 1000 Hawkins, El Paso, Texas 79925

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed new owner of TSM and the probability of successful operations of TSM under this ownership, including adequate profitability, in accordance with the Act and Regulations.

Notice is further given that any person may, not later than 15 days from the date of this Notice, submit written comments to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this notice should be published in a newspaper of general circulation in El Paso, Texas area.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: July 18, 1984.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

(FR Doc. 84-19727 Filed 7-25-84; 8:45 am)

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION**Federal Highway Administration****Environmental Impact Statement: Multnomah County, OR**

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Portland, Oregon.

FOR FURTHER INFORMATION CONTACT: Richard R. Arnold, Environmental Coordinator and Safety Programs Engineer, Federal Highway Administration, Equitable Center, Suite 100, 530 Center NE, Salem, Oregon 97301, Telephone: (503) 399-5749.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Oregon Department of Transportation and the City of Portland, will prepare an environmental impact statement (EIS) on the proposed widening and construction of Airport Way from the vicinity of I-205 and the intersection of Sandy Boulevard and NE 181st Avenue, approximately 4.1 miles.

The project is considered necessary to accommodate planned industrial usage of the area between Marine Drive and Sandy Boulevard. Currently approximately 20%-25% of the area is in industrial uses.

Airport Way (Aka Inverness Way) currently is two lanes between I-205 and NE 138th Ave. Deeded rights-of-way exist west of NE 148th Avenue and between NE 158th to 168th Avenues. The proposal would widen Airport Way to include four travel lanes, a median/turn lane, shoulder bike lanes and sidewalks on both sides. The area has been recently annexed by the City prior to which Multnomah County has agreed to a roadway alignment. Only one build alternative is being advanced with several design options considered at select Columbia Slough and/or intersection areas.

Information describing the proposed action will be sent to the appropriate Federal, State, and local agencies and to private organizations and citizens who have previously expressed interest in this proposal. Public meetings will be held, as may be necessary, and a public hearing will be held. No formal scoping meeting is planned at this time.

Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program No. 20.205, Highway Research, Planning and Construction. The provisions of Executive Order 12372, "Intergovernmental Review of Federal Programs" apply to this program)

Issued: July 19, 1984.

Richard R. Arnold,
Environment Coordinator/Safety Program
Engineer, Oregon Division, Salem, Oregon.

[FR Doc. 84-19781 Filed 7-25-84; 8:45 am]

BILLING CODE 4910-22-M

**Environmental Impact Statement:
Multnomah County, OR**

AGENCY: Federal Highway
Administration (FHWA), DOT.

ACTION: Notice of Intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in the City of Portland, Oregon.

FOR FURTHER INFORMATION CONTACT:
Richard R. Arnold, Environmental

Coordinator and Safety Programs
Engineer, Federal Highway
Administration, Equitable Center, Suite
100, 530 Center NE, Salem, Oregon
97301, Telephone: (503) 399-5749.

SUPPLEMENTARY INFORMATION: The
FHWA, in cooperation with the Oregon
Department of Transportation and the
City of Portland, will prepare an
environmental impact statement (EIS)
on the proposed realignment of NE
Marine Drive from the vicinity of I-5 to
Rivergate access road, approximately
.87 miles to the east.

This realignment will replace the
present roadway which is substandard
for planned industrial traffic in the area.

The present roadway is two lanes; the
proposal would widen Marine Drive to
include four travel lanes, a median/turn
lane, shoulder bike lanes and sidewalks
on both sides. Two build alternatives
are currently planned to be advanced
with several design options considered
at intersections.

Information describing the proposed

action will be sent to the appropriate
Federal, State, and local agencies and to
private organizations and citizens who
have previously expressed interest in
this project. Public meetings will be
held, as may be necessary, and a public
hearing will be held. No formal scoping
meeting is planned at this time.

Comments or questions concerning
this proposed action and the EIS should
be directed to the FHWA at the address
provided above.

(Catalog of Federal Domestic Assistance
Program Number 20.205, Highway Research,
Planning and Construction. The provisions of
Executive Order 12372, "Intergovernmental
Review of Federal Programs" apply to this
program)

Issued: July 19, 1984.

Richard R. Arnold,
Environment Coordinator/Safety Program
Engineer, Oregon Division, Salem, Oregon.

[FR Doc. 84-19782 Filed 7-25-84; 8:45 am]

BILLING CODE 4910-22-M

Sunshine Act Meetings

Federal Register

Vol. 49, No. 145

Thursday, July 26, 1984

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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Equal Employment Opportunity Commission	1
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Parole Commission	6

1

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DATE AND TIME: 9:30 a.m. (Eastern Time), Tuesday, July 31, 1984.

PLACE: Commission Conference Room No. 200-C on the 2nd Floor of the Columbia Plaza Office Building, 2401 "E" Street NW, Washington, DC 20507.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED:

1. Announcement of Notation Votes.
2. A Report on Commission Operations (Optional).
3. Freedom of Information Act Appeal No. 94-6-FOIA-50-DE, concerning a request for copies of records from a charge file.
4. Freedom of Information Act Appeal No. 84-5-FOIA-74-BA, concerning a request for the Investigator's Memorandum from a Title VII/ADEA charge file.
5. Freedom of Information Act Appeal No. 84-5-FOIA-75-BA, concerning a request for documents from a charge file.
6. Voluntary Assistance Program Analysis for Second Quarter.
7. Opinion Letter Procedures and Regulations.
8. FY '82 Report to Congress on Affirmative Action.
9. Recommended Third Quarter Modifications to FEP Agency FY 1984 Title VII/ADEA Contracts.
10. Proposal Regarding the Review of Uniform Guidelines on Employee Selection Procedures (UGESP).

Closed

1. Litigation authorization; General Counsel Recommendations.
2. Consideration of Systemic Decisions/Settlements.

Note.—Any matter not discussed or concluded may be carried over to a later meeting. (In addition to publishing notices on EEOC Commission meetings in the Federal

register, the Commission also provides a recorded announcement a full week in advance on future Commission sessions. Please telephone (202) 634-6748 at all times for information on these meetings).

CONTACT PERSON FOR MORE

INFORMATION: Treva McCall, Executive Secretary to the Commission at (202) 634-6748.

Dated: July 24, 1984.

This Notice Issued July 24, 1984.

Treva McCall,

Executive Secretary to the Commission.

[FR Doc. 84-18184 Filed 7-24-84; 1:40 am]

BILLING CODE 6750-06-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION

Change in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 2:00 p.m. on Monday, July 23, 1984, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director C.T. Conover (Comptroller of the Currency), that Corporation business required the withdrawal from the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matter:

Application of Fireside Thrift Company, an operating noninsured industrial bank located at 401 Warren Street, Redwood City, California, for Federal deposit insurance.

The Board further determined, by the same majority vote, that no earlier notice of this change in the subject matter of the meeting was practicable.

Dated: July 23, 1984.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 84-19848 Filed 7-24-84; 11:09 am]

BILLING CODE 6714-01-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION

Change in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Monday, July 23, 1984, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director C.T. Conover (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matter:

Application of Omaha National Bank, Omaha, Nebraska, for consent to purchase certain assets of and assume the liability to pay deposits made in Commercial Savings Company of Grand Island, Grand Island, Nebraska, and First Investment Company of Kearney, Nebraska, both operating noninsured institutions.

The Board further determined, by the same majority vote, that no earlier notice of this change in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matter in a meeting open to public observation; and that the matter could be considered in a closed meeting by authority of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), and (c)(9)(A)(ii)).

Dated: July 23, 1984.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 84-19850 Filed 7-24-84; 11:09 a.m.]

BILLING CODE 6714-01-M

4

FEDERAL RESERVE SYSTEM (Board of Governors)

TIME AND DATE: 10:00 a.m., Wednesday, August 1, 1984.

PLACE: 20th Street and Constitution Avenue, NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System Employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE

INFORMATION: Mr. Joseph R. Coyne,
Assistant to the Board; (202) 452-3204.

Dated: July 24, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-19920 Filed 7-24-84; 4:05 pm]

BILLING CODE 6210-01-M

5

INTERNATIONAL TRADE COMMISSION

[USITC SE-84-35]

TIME AND DATE: 10:00 a.m., Wednesday,
August 1, 1984.

PLACE: Room 117, 701 E Street, NW.,
Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.

2. Minutes.

3. Ratifications.

4. Petitions and complaints, if necessary.

5. Investigation 731-TA-151 [Final] (Certain
Hot-Rolled Carbon Steel Plate from the
Republic of Korea)—briefing and vote.

6. Any items left over from previous
agenda.

CONTACT PERSON FOR MORE

INFORMATION: Kenneth R. Mason,
Secretary, (202) 523-0161.

[FR Doc. 84-19848 Filed 7-24-84; 11:09 am]

BILLING CODE 7020-02-M

6

PAROLE COMMISSION: National
Commissioners (the Commissioners
presently maintaining offices at Chevy
Chase, Maryland, Headquarters.)

TIME AND DATE: Tuesday, July 31, 1984—
2:00 p.m.

PLACE: Room 420-F, One North Park
Building, 5550 Friendship Boulevard,
Chevy Chase, Maryland 20815.

STATUS: Closed pursuant to a vote to be
taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Referrals
from Regional Commissioners of
approximately 3 cases in which inmates
of Federal prisons have applied for
parole or are contesting revocation of
parole or mandatory release.

CONTACT PERSON FOR MORE

INFORMATION: Linda Wines Marble,
Chief Case Analyst, National Appeals
Board, United States Parole
Commission, (301) 492-5987.

Dated: July 24, 1984.

Joseph A. Barry,

*General Counsel, United States Parole
Commission.*

[FR Doc. 84-19884 Filed 7-24-84; 8:45 am]

BILLING CODE 4410-01-M

Register

Thursday
July 26, 1984

Part II

Office of Management and Budget

Budget Deferrals

**OFFICE OF MANAGEMENT AND
BUDGET****Budget Deferrals**

To The Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report one new deferral of budget authority for \$8,006,000 and six revised deferrals of budget authority which now total \$68,528,548. The deferrals affect the Departments of Energy, and Health and Human Services.

The details of the deferrals are contained in the attached reports.

Ronald Reagan,

The White House,

July 20, 1984.

BILLING CODE 3110-01-M

CONTENTS OF SPECIAL MESSAGE
(in thousands of dollars)

<u>Deferral #</u>	<u>Item</u>	<u>Budget Authority</u>
	Department of Energy	
	Atomic Energy Defense Activities	
D84-62A	Atomic energy defense activities.....	1,256
	Energy Programs	
D84-21D	Fossil energy research and development.....	10,414
D84-26B	Strategic petroleum reserve.....	13,055
	Power Marketing Administration	
	Operation and maintenance, Southwestern	
D84-42B	Power Administration.....	7,101
	Construction, rehabilitation, operation and	
D84-64A	maintenance, Western Area Power Administration	614
	Departmental Administration	
D84-43B	Departmental administration.....	36,088
	Department of Health and Human Services	
	National Institutes of Health	
D84-65	Buildings and facilities.....	<u>8,006</u>
	Total, deferrals.....	76,535

SUMMARY OF SPECIAL MESSAGES
FOR FY 1984
(in thousands of dollars)

	<u>Rescissions</u>	<u>Deferrals</u>
Twelfth special message:		
New items.....	---	8,006
Revisions to previous special messages.....	---	8,284
Effects of twelfth special message.....	---	16,290
Amounts from previous special messages that are changed by this message (changes noted above).....	---	60,245
Subtotal, rescissions and deferrals.....	---	76,535
Amounts from previous special messages that are not changed by this message.....	636,411	7,357,974
	=====	=====
Total amount proposed to date in all special messages.....	636,411	7,434,509

D84-62A

Deferral No: D84-62A

Supplementary Report

Report Pursuant to Section 1014(c) of Public Law 93-344.

This report updates Deferral No. D84-62 transmitted to Congress on June 20, 1984.

This increases by \$205,589 the previous deferral of \$1,050,000 in the Department of Energy's Atomic Energy Defense Activities account, resulting in a total deferral of \$1,255,589. The increase is due to additional recoveries of prior year obligations which cannot be effectively utilized this year.

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

AGENCY: Department of Energy		New budget authority..... \$6,554,875,000 (P.L. 98-50; 98-181)	
Bureau: Atomic Energy Defense Activities		Other budgetary resources 1,318,354,595*	
Appropriation title and symbol: Atomic Energy Defense Activities 89X0220 1/		Total budgetary resources 7,873,229,595*	
OMB identification code: 89-0220-0-1-053		Amount to be deferred: Part of year \$ Entire year 1,255,589*	
Grant program: ☐ Yes ☒ No		Legal authority (in addition to sec. 1013): ☒ Antideficiency Act ☐ Other	
Type of account or fund: ☐ Annual ☐ Multiple-year ☒ No-Year		Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other	

Justification: *This account funds development of naval nuclear reactors, research and development on nuclear weapons, verification and control technology, production of nuclear materials, management of defense waste and byproducts, nuclear safeguards and security, and security investigations. The Department of Energy has prepared a program plan for these activities in accordance with the guidance contained in the Conference Report for the 1984 Energy/Water appropriations bill. The previous deferral of \$1,050,000 included savings from management improvements in organization and staffing, planning for acquisition and utilization of ADP systems, and increased contracting out of activities to the private sector. The increase in this deferral of \$205,589 represents recoveries from prior year obligations which cannot be effectively used this year. This deferral action is taken under the provisions of the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None.

Outlay Effect: There is no impact on 1984 and 1985 outlays.

1/ This account was the subject of a deferral in 1983 (D83-70).
* Revised from previous reports.

D84-21D Deferral No: D84-21D

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Supplementary Report

Report Pursuant to Section 1014(c) of Public Law 93-344.

This report updates Deferral No. D84-21C transmitted to Congress on June 20, 1984.

This increases by \$770,703 the previous deferral of \$9,643,000 in the Department of Energy's Fossil Energy Research and Development account, resulting in a total deferral of \$10,413,703. The increase is due to additional recoveries of prior year obligations which cannot be effective-y utilized this year.

AGENCY: Department of Energy		New budget authority..... \$ 260,214,000 (P.L. 98-146; 98-181.)
Bureau: Energy Programs		Other budgetary resources 98,230,765*
Appropriation title and symbol:		Total budgetary resources 358,444,765*
Fossil Energy Research and Development 89X0213 1/		Amount to be deferred:
		Part of year \$
		Entire year 10,413,703*
OMB identification code: 89-0213-0-1-271		Legal authority (in addition to sec. 1013): ☒ Antideficiency Act ☐ Other
Grant program: ☐ Yes ☒ No		Type of budget authority:
Type of account or fund:		☒ Appropriation
☐ Annual		☐ Contract authority
☐ Multiple-year (expiration date)		☐ Other
☒ No-Year		

Justification: *This account funds research and development activities in coal, petroleum and unconventional natural gas. The Department of Energy has prepared a program plan for these activities in accordance with the guidance contained in the Conference Report on the 1984 Interior appropriations bill. A savings of \$150,000 results from improved administrative and organization management. Another \$9,493,000 consists of three major components: \$2,750,000 of unobligated prior year funds; \$2,000,000 appropriated in 1984 for geopressured methane research activities that duplicates work funded in the Department of Energy Geothermal Energy program; and \$4,743,000 in reimbursements from the foreign contributions to the Solvent Refined Coal (SRC-II) demonstration project. These funds are not currently programmed for use in 1984 and are being deferred into 1985 to partially offset the 1985 appropriation request. The remaining \$770,703 represents recoveries of prior year obligations which cannot be effectively used this year. This action is taken pursuant to the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None.

Outlay Effect: *There is no impact on 1984 and 1985 outlays.

☒ This account was the subject of deferrals in 1983 (D83-8A, D83-73, and D83-80).

* Revised from previous reports.

D84-26B

Deferral No: D84-26B

Supplementary Report

Report Pursuant to Section 1014(c) of Public Law 93-344.

This report updates Deferral No. D84-26A transmitted to Congress on February 1, 1984.

This increases by \$91,666 the previous deferral of \$12,963,651 in the Department of Energy's Strategic Petroleum Reserve account resulting in a total deferral of \$13,055,317. The increase consists of recoveries of prior year funds which cannot be effectively utilized this year.

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

AGENCY: Department of Energy		New budget authority..... \$ 158,770,000 (P.L. 98-146)
Bureau: Energy Programs		Other budgetary resources 121,554,495 *
Appropriation title and symbol:		Total budgetary resources 280,324,495 *
Strategic Petroleum Reserve		Amount to be deferred:
89X0218 1/		Part of year \$ 12,963,651
		Entire year 91,666 *
OMB identification code:		Legal authority (in addition to sec. 1013):
89-0218-0-1-274		☒ Antideficiency Act
Grant program: ☐ Yes ☒ No		☐ Other
Type of account or fund:		Type of budget authority:
☐ Annual		☒ Appropriation
☐ Multiple-year (expiration date)		☐ Contract authority
☒ No-Year		☐ Other

Justification: * Funds appropriated to this account are for the development of the Strategic Petroleum Reserve (SPR), including facilities construction, planning and program administration. The deferral of \$12,963,651 consists of prior year unobligated funds that have been set aside as a contingency to cover possible over-budget deficiency judgments on land condemnation cases. Since the timing and magnitude of these judgments cannot be known in advance, it is possible that some or all of these funds may not be obligated during 1984. As the need arises, these funds will be released. An additional \$91,666 of recoveries of prior year obligations cannot be effectively used this year. These funds are being deferred under the provisions of the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None.

Outlay Effect: None.

1/ This account was the subject of a deferral in FY 1983 (D83-50).
 2/ Revised from previous report.

Deferral No: D84-42B

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Supplementary Report

Report Pursuant to Section 1014(c) of Public Law 93-344.

This report updates Deferral No. D84-42A transmitted to Congress on June 20, 1984.

This increases by \$41,313 the previous deferral of \$7,060,000 in the Department of Energy's Operation and Maintenance, Southwestern Power Administration account, resulting in a total deferral of \$7,101,313. The increase is due to additional recoveries of prior year obligations which cannot be effectively utilized this year.

AGENCY: Department of Energy		New budget authority..... \$ 36,229,000
Bureau: Power Marketing Administration		(P.L. 98-50)
Appropriation title and symbol:		Other budgetary resources 13,141,736 *
Southwestern Power Administration Operation and Maintenance		Total budgetary resources 49,370,736 *
OMB Identification code: 89X0303		Amount to be deferred:
OMB Identification code: 89-0303-0-1-271		Part of year \$
Grant program: ☐ Yes ☒ No		Entire year 7,101,313 *
Type of account or fund:		Legal authority (in addition to sec. 1013): ☒ Antideficiency Act ☐ Other
☐ Annual		Type of budget authority:
☐ Multiple-year		☒ Appropriation
☒ No-Year (expiration date)		☐ Contract authority
		☐ Other

Justification: * This account funds the activities of the Southwestern Power Administration (SWPA), an agency which markets wholesale hydroelectric power produced at Corps of Engineers dams in six southwestern states. SWPA activities also include construction, operation and maintenance of approximately 1,600 miles of transmission lines over which the power is distributed to customers. The Department of Energy has prepared a program plan for these activities in accordance with the guidance contained in the Conference Report on the 1984 Energy/Water appropriations bill. The deferral includes a total of \$7,000,000 of unobligated balances from prior year appropriations for various construction and operation and maintenance efforts that changes in original planning assumptions have made unnecessary at present. Because these projects and activities have been indefinitely postponed, the funds are not needed in 1984. Management initiatives during 1984 result in savings of \$60,000 from improvements in the agency's organizational structure and assume maximum effective utilization of existing resources and staff. An additional \$41,313 represents recoveries of prior year obligations which cannot be effectively utilized this year. This deferral is taken under the provisions of the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None. The deferral will have no programmatic effect because the funds deferred are in excess of the amount necessary for conduct of SWPA's normal power marketing and systems operation and maintenance activities.

Outlay Effect: None.

* Revised from previous report.

Deferral No: D84-64A

DEFERRAL OF BUDGET AUTHORITY
Report pursuant to Section 1013 of P.L. 93-344

AGENCY: Department of Energy		New budget authority.... \$ 194,630,000 (P.L. 93-50)
Bureau: Power Marketing Administration		Other budgetary resources 84,807,137 *
Appropriation title and symbol: Western Area Power Administration Construction, Rehabilitation, Operation and Maintenance 89X5068		Total budgetary resources 279,437,137 *
OMB Identification code: 89-5068-0-2-271		Amount to be deferred: Part of year \$ _____ Entire year 614,406 *
Grant program: ☐ Yes ☒ No		Legal authority (in addition to sec. 1013): ☒ Antideficiency Act ☐ Other _____
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-Year		Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other _____

Justification: * The Western Area Power Administration markets power in fifteen western states from electrical generating projects operated by the Bureau of Reclamation and the Corps of Engineers. The Department of Energy has prepared a program plan for these activities in accordance with the guidance contained in the Conference Report for the 1984 Energy/Water appropriations bill. Management initiatives in the Western Area Power Administration during 1984 will result in savings of \$100,000 from improving the agency's organizational structure and assuring maximum effective utilization of existing resources and staff. An additional \$514,406 of recoveries of prior year obligations cannot be effectively utilized this year. This deferral is taken under the provisions of the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None.

Outlay Effect: None.

* Revised from previous report.

D84-64A

Supplementary Report

Report pursuant to Section 1014(c) of Public Law 93-344.

This report updates Deferral No. D84-64 transmitted to Congress on June 20, 1984.

This increases by \$514,406 the previous deferral of \$100,000 in the Department of Energy's Construction, rehabilitation, operation and maintenance. Western Area Power Administration account, resulting in a total deferral of \$614,406. The increase is due to additional recoveries of prior year obligations which cannot be effectively utilized this year.

Deferral No: D84-43B

DEFERRAL OF BUDGET AUTHORITY
Report pursuant to Section 1013 of P.L. 93-344

AGENCY: Department of Energy		New budget authority,.... \$ 366,056,000 (P.L. 98-50)
Bureau: Departmental Administration		Other budgetary resources 87,221,059*
Appropriation title and symbol: Departmental Administration 89X0228 1/		Total budgetary resources 453,277,059*
		Amount to be deferred: Part of year \$ _____
		Entire year 36,088,220*
OMB identification code: 89-0228-0-1-276		Legal authority (in addition to sec. 1013): ☒ Antideficiency Act
Grant program: ☐ Yes ☒ No		☐ Other _____
Type of account or fund:		Type of budget authority:
☐ Annual		☒ Appropriation
☐ Multiple-year (expiration date)		☐ Contract authority
☒ No-Year		☐ Other _____

Justification: * This account funds a variety of Department of Energy administrative activities, including policy development and analysis activities, institutional and public liaison functions, and other program support requirements necessary to ensure effective departmental operations and management. The Department of Energy has prepared a program plan for these activities in accordance with the guidance contained in the Conference Report of the 1984 Energy/Water appropriations bill and as a result, a portion of the amount of prior year unobligated balances and recoveries of prior year obligations is not needed in 1984. The deferral consists of \$29,053,000 in unobligated balances from 1983 and prior years, \$6,660,220 in recoveries from prior year obligations, and \$375,000 in savings achieved as the department implemented management initiatives recommended by various studies of departmental operations. These funds cannot be effectively used this year. This deferral action is taken under the provisions of the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None.

Outlay Effect: None.

☒ This account was the subject of a deferral in 1983 (D83-51).
* Revised from previous report.

Supplementary Report

Report Pursuant to Section 1014(c) of Public Law 93-344.

his report updates Deferral No. D84-43A transmitted to Congress on June 20, 1984.

his increases by \$6,660,220 the previous deferral of \$29,428,000 in the department of Energy's Departmental Administration account, resulting in a total deferral of \$36,088,220. The increase is due to additional recoveries of prior year obligations which cannot be effectively utilized this year.

D84-43B

Deferral No: D84-65

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

AGENCY: Department of Health and Human Services		New budget authority..... \$ 25,040,000 (P.L. 98-139)
Bureau: National Institutes of Health		Other budgetary resources 15,359,324
Appropriation title and symbol: Buildings and facilities 75X0838		Total budgetary resources 40,399,324
OMB identification code: 75-0838-0-1-552		Amount to be deferred: Part of year \$ Entire year 8,006,000
Grant program: ☐ Yes ☒ No		Legal authority (in addition to sec. 1013): ☒ Antideficiency Act ☐ Other
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-Year		Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: This account funds the major repairs and improvements, design and construction of the buildings and support facilities essential to the mission of the National Institutes of Health. Current construction and renovation plans indicate that there is \$8,006,000 that cannot be obligated this year. Funds include portions of the Clinical Center Modernization program (\$1,995,000); expansion of radioactive/hazardous waste areas, Building 21 (\$897,000); completion of the Environmental Health Sciences Center, North Carolina (\$1,131,000); miscellaneous amounts for the continuing programs of removal of barriers to the handicapped (\$700,000); and repairs and improvements (\$3,283,000). This deferral action is taken pursuant to the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None.

Outlay Effect: None.

[FR Doc. 84-19902, Filed 7-26-84; 8:45 am]

BILLING CODE 3110-01-C

Reader Aids

Federal Register

Vol. 49, No. 145

Thursday, July 26, 1984

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